



## South Dakota

### Special Education Programs FFY 2005 – 2010 State Performance Plan for Special Education

Office of Educational Services and Support  
Special Education Programs  
<http://doe.sd.gov/oess/specialed/index.asp>

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**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

The South Dakota Part B State Performance Plan obtained broad stakeholder involvement throughout the process. This included:

- South Dakota's Special Education Programs Director attended the Office of Special Education Program's Summer Institute in Washington D.C. on August 10-12, 2005.
- Training on the State Performance Plan process for the Special Education Programs (SEP) staff, including the Special Education Programs Director and Educational Program Representatives, from the Mountain Plains Regional Resource Center in August 2005.
- Individuals in the Special Education Programs office were assigned to different indicators to collect and examine data.
- Identification of baseline data and materials necessary to complete the State Performance Plan.
- Collaboration with Part C Birth to 3 Connections state staff, Mountain Plains Regional Resource Center and Special Education Program Consultant to provide technical assistance on the process of developing the State Performance Plan.
- An initial task force work group was assembled to develop a draft State Performance Plan to be presented to the Governor's Advisory Panel for Children with Disabilities for their input. This work group consisted of 24 people representing Special Education Programs Personnel, Mountain Plains Regional Resource Center, Special Education Programs Consultant, higher education, local special education directors, education cooperatives, education service agencies, transition liaison project, school psychologist association, the Council of Administrators of Special Education, Birth to 3 Connections, education specialists, and Children's Care Hospital and School. The work group met in September 2005. The specific tasks requested of task-force group were:
  - Consider baseline and trend data for each indicator where such information was available;
  - Assist in determining appropriate targets for each indicator where a target was required for the State Performance Plan;
  - Review the planned activities, timelines, and resources and provide input into the likely efficacy of the strategies proposed;
  - Suggest additional approaches for the Special Education Programs to consider including in the planned activities.
- In addition to the initial draft process undergone with the task-force group, the SPP was submitted to our broad stakeholder group, the Governor's Advisory Panel for Children with Disabilities for their input, comments, and changes in October 2005. The Governor's Advisory Panel for Children with Disabilities is made up of parents of children

with disabilities, individuals with disabilities, teachers, a representative from higher education, representatives from other state agencies, administrators, state and local officials, a representative dealing with transitional needs, and a representative from juvenile and adult corrections. A majority of the members are individuals with disabilities or parents of children with disabilities.

- Along with stakeholder input, Special Education Programs personnel have continually participated in OSEP and Mountain Plains Regional Resource Center's (MPRRC) conference calls to gain more knowledge about the SPP process and indicators. MPRRC has continued to assist Special Education Programs through calls and emails with this process. Special Education Programs staff plans to attend national and regional conferences on topics dealing with the State Performance Plan indicators in the future.
- Following the submission of the State Performance Plan to the U.S. Department of Education, Special Education Programs will disseminate the State Performance Plan in the following ways:
  - Post the final version on the agency website at <http://doe.sd.gov/oess/specialed/index.asp>
  - Alert constituency groups via existing list serves, email and workshops.
  - Presentation session at the State Council for Exceptional Children
  - South Dakota Parent Connection will announce publication of the Part B State Performance Plan on the Special Education Programs website in the newsletter "The Circuit" so parents can access it.
  - Hard copies will be provided to all Districts/Agencies, Advisory Panel members, and Education Specialists and any individual making a request for one.
  - Hard copies will also be made available for public review at Department of Education, Special Education Program office. Public notice about the availability of the State Performance Plan will be made in a press release to major South Dakota newspapers.

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE**

**Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.**

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

**Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.**

**Overview of Issue/Description of System or Process:**Methodology for Calculating Graduation Rate:

South Dakota is currently building the database needed to calculate the graduation rate for all subgroups over a four year period based on the following schedule. School year 2002-2003 included 12<sup>th</sup> grade data only; school year 2003-2004 included 11<sup>th</sup> and 12<sup>th</sup> grade data; school year 2004-2005 included 10<sup>th</sup> through 12<sup>th</sup> grade data and in school year 2005-2006 full implementation with the inclusion of data for grades 9<sup>th</sup> through 12<sup>th</sup> grades.

The formula to be utilized is as follows:

$$\frac{\text{High School Completers in Year 4}}{\text{Dropouts (Gr 9, year 1 + Gr 10, year 2 + Gr 11, year 3 + Gr 12, year 4) + HS Completers, Year 4}}$$

This calculation is based on the recommendation of NCES in a publication "Public High School Dropouts and Completers from Common Core of Data: School Year 1998-99 through 1999-2000".

This rate will be reported and utilized for purposes of determining Adequate Yearly Progress for all students (in the aggregate) and reported for the disaggregated subgroups.

Definition of HS Completers (based on NCES recommendations):*High School Completers:*

- Diploma recipients – individuals who are awarded a high school diploma. This would not include students that may receive a non-standard diploma (e.g. a GED or certificate of completion).

Students with disabilities who complete the required coursework for graduation will receive a regular high school diploma. A student on an Individual Education Plan (IEP) who meets these

criteria will be counted as a high school completer. However, students who are on an IEP who do not graduate in the standard number of years and who do not meet all required coursework for graduation will not be considered a high school completer.

### Graduation Requirements

SD State Board of Education approved new graduation requirements at the November 15, 2004 meeting, but chose to delay implementation of the new standards until the 2006-2007 school year. Ninth graders entering high school in the fall of 2006 (graduates of 2010) will be the first class affected by the new requirements.

The new graduation requirements call for three curriculum paths -- currently referred to as Standard, Advanced and Distinguished.

- The Standard course of study includes raising the math requirement to three units, adding ½ unit of Physical Education or Health, ½ unit of World History, and ½ unit of Economics or Personal Finance. In addition, students will take two units of any combination of World Language, Computer Studies or Career and Technical Education courses.
- The Advanced path includes all of the changes noted above, but it designates that the three units of math must include Algebra 1, Algebra II and Geometry. It also increases the science requirement from two to three units, which must include Biology and Chemistry or Physics.
- The third path, called the Distinguished path, follows the course requirements that students need in order to be eligible for the South Dakota Opportunity Scholarship.

State law SDCL 13-33-19 requires all students to complete the recommended high school program, called the “Advanced” path, but if a parent (or legal guardian) and the school agree that the student should take the “Standard” or basic curriculum, parents may sign a form that will allow the student to graduate meeting the basic high school program.

### **Baseline Data for FFY 2004 (2004-2005):**

Graduation Rate of Students with Disabilities:	81.5%	[N = 540/663]
Graduation Rate for all Students	89.0%	[N = 8405/9440]

### **Discussion of Baseline Data:**

The graduation rate for 2004-2005 for students with disabilities was 81.5%. This rate dropped from 2003-2004 where the graduation rate for students with disabilities was 87.29%. The graduation rate for all students in 2004-2005 was 89.0%. This rate also was a decline from 92.3% in 2003-2004 for all students. The change in graduation rate was effected by the change in calculation as noted below:

- 2003/2004- the total number of graduates divided by the total number of graduates plus the previous years 11<sup>th</sup> grade drop outs and the current year's 12<sup>th</sup> grade dropouts
- 2004/2005- 10<sup>th</sup> grade was added to the calculation

- 2005/2006- 9<sup>th</sup> grade will be added to the calculation

SEP does expect a drop in graduation rate again for the upcoming 2005-2006 school year since all grades 9-12, will be included in the calculation for the first time. South Dakota will be using that data as our baseline data to build our measurable and rigorous targets.

Data on the graduation rate for 2004-2005 reflects students with disabilities are graduating at a similar, although slightly lower percentage as compared to non-disabled students. The rates, however, when compared to the 2003-2004 data, reflect a drop in rates of graduation, both overall and for special education students. This can be explained by the change in the calculation formula for graduation.

Because of South Dakota's change in the calculation formula for graduation, we believe that there will be a small decline in graduation rates in 2005-2006. This decline will occur due to the addition of 9<sup>th</sup> graders in the calculation for the 2005-2006 school year.

Although, the graduation rates will drop slightly in South Dakota for FFY 2005, South Dakota will still increase graduation rates for students with disabilities by FFY 2010.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	80% of youth with Individual Education Plans will graduate from high school with a regular diploma
2006 (2006-2007)	81% of youth with Individual Education Plans will graduate from high school with a regular diploma
2007 (2007-2008)	82% of youth with Individual Education Plans will graduate from high school with a regular diploma
2008 (2008-2009)	83% of youth with Individual Education Plans will graduate from high school with a regular diploma
2009 (2009-2010)	84% of youth with Individual Education Plans will graduate from high school with a regular diploma
2010 (2010-2011)	85% of youth with Individual Education Plans will graduate from high school with a regular diploma

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Identify districts that meet or exceed the states target for graduating students with disabilities.</li> <li>Evaluate what effective programs they have in place and promote those programs state wide.</li> </ul>	Summer 2006 and on going through 2011	Special Education Programs staff, districts, Office of Finance and Management (OFM)
<ul style="list-style-type: none"> <li>Identify all districts that did not meet the state target for graduation.</li> <li>Identify districts showing the lowest 5% of graduating students with disabilities.</li> <li>Provide Technical Assistance on effective programs that promote graduation of students with disabilities. Transition Liaison Project will provide training to make sure that the districts are providing a coordinated set of transition outcomes for students with disabilities.</li> </ul>	Summer 2006 and annually through 2011	Special Education Programs staff, districts, Office of Finance and Management (OFM), Transition Liaison Project staff
<ul style="list-style-type: none"> <li>Provide training on new graduation requirements and expectations concerning what course work is required in order for students with disabilities to graduate with a regular diploma.</li> </ul>	October 2006	Legal counsel, Special Education Programs, Office of Civil Rights, Special Education Advisory Panel, Board of Education
<ul style="list-style-type: none"> <li>Provide graduation and post-secondary planning activities for at risk middle school special education students.</li> </ul>	Fall 2006 and ongoing through 2011	Transition Liaison Project staff, guidance counselors, Special Education Programs, district special education staff, Vocational Rehabilitation staff



Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Coordinate with SD Parent Connection to provide training opportunities for parents of middle school students with disabilities on the three pathways to graduation; academic planning for high school students.</li> </ul>	Fall 2007	South Dakota Parent Connection, Special Education Programs staff
<ul style="list-style-type: none"> <li>Receive technical assistance from the National Dropout Prevention Center for Students with Disabilities (NDPC-SD).</li> </ul>	2006-2011	Special Education Programs staff
<ul style="list-style-type: none"> <li>Develop collaboration between high schools and post secondary schools to help special education students prepare for post secondary education through “Catch the Wave” conference.</li> </ul>	Spring 2006 and annually through 2011	Transition Liaison Project staff, Special Education Programs staff, Voc Rehab, post secondary school representatives
<ul style="list-style-type: none"> <li>Promote work experience through “Project Skills” program for HS special education students.</li> </ul>	2005-2011	Special Education Programs staff, districts, Voc Rehab, Transition Liaison Project staff
<ul style="list-style-type: none"> <li>Provide career leadership training through the Youth Leadership Forum for special education high school juniors and seniors to serve as delegates from their communities.</li> </ul>	Summer 2006 and annually through 2011	Special Education Programs staff, Voc Rehab, Transition Liaison Project staff

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.**

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

**Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.**

**Overview of Issue/Description of System or Process:**Definition of Drop-out

South Dakota Department of Education's Consolidated State Application Accountability workbook defines a dropout as:

An individual who

- Was enrolled in school at some time during the previous school year; and
- Was not enrolled at the beginning of the current school year; and
- Has not graduated from high school or completed a state or district approved educational program; and
- Does not meet any of the following exclusionary conditions:
  - Transfer to another public school district, private school, or state- or district-approved educational program (including correctional or health facility programs);
  - Temporary absence due to suspension or school-excused illness; or
  - Death.

This definition is used in South Dakota for all students grades nine through twelve.

The State maintains a statewide student information system, called SIMS Net (Student Information Management System), where student data records are stored in a centralized data warehouse. Each student has been assigned a unique identifier that contains student demographic information and has the capacity for tracking the status and location of each student. The districts electronically enter dropout information via the Student Information Management System (SIMS) throughout the school year.

**Baseline Data for FFY 2004 (2004-2005):**

- Special Education Youth Dropout rate: 5.03% [N = 4476/4713]
- All Youth Dropout rate: 3.57% [N = 42,873/44,458]

**Discussion of Baseline Data:**

The data collected for the 2004-2005 school year reflects students with disabilities are reported as drop-outs at a similar, although slightly higher percentage than non-disabled students.

- The data for computing special education dropout rate is gathered through an analysis of accumulated special education enrollment for grades 9-12 divided by the accumulated special education enrollment for grades 9-12 plus total special education drop outs reported for grades 9-12. Accumulated enrollment for special education included any students who were on an IEP during the school year.
- The data for computing all youth dropout rate is an analysis of accumulated enrollment for grades 9-12 divided by the accumulated enrollment for grades 9-12 plus total drop outs reported for grades 9-12.

The total percentage of students who are leaving school prior to obtaining a high school diploma continues to represent a small percentage of students, both in special education and those not in special education.

The definition of dropout is the same as the NCLB Accountability workbook.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	5% of students with disabilities are dropping out of high school.
2006 (2006-2007)	4.80% of students with disabilities are dropping out of high school.
2007 (2007-2008)	4.70% of students with disabilities are dropping out of high school.
2008 (2008-2009)	4.50% of students with disabilities are dropping out of high school.
2009 (2009-2010)	4.30% of students with disabilities are dropping out of high school.

2010 (2010-2011)	4% of students with disabilities are dropping out of high school.
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**Improvement Activities/Timelines/Resources:**

<ul style="list-style-type: none"> <li>Identify districts that are performing better than the state's drop out target for students with disabilities.</li> <li>Evaluate what effective programs they have in place and promote those programs state wide.</li> </ul>	Summer 2006 and annually through 2011	Special Education Programs staff, district staff , Office of Finance and Management (OFM), Vocational Rehabilitation
<ul style="list-style-type: none"> <li>Identify all districts that exceeded the state target for dropout.</li> <li>Identify 5% of districts with the highest dropout rate for students with disabilities.</li> <li>Provide technical assistance on effective programs that promote graduation of students with disabilities. Transition Liaison Project will provide training to make sure that the districts are providing a coordinated set of transition outcomes for students with disabilities.</li> </ul>	Summer of 2006 and annually through 2011	Special Education Programs staff, district staff, Office of Finance and Management (OFM), Vocational Rehabilitation, Transition Liaison Project staff
<ul style="list-style-type: none"> <li>Provide career planning activities for at risk middle school special education students.</li> </ul>	Fall 2006 and ongoing through 2011	Transition Liaison Project staff, guidance counselors, Special Education Programs, district special education staff
<ul style="list-style-type: none"> <li>Strategies to increase graduation rates and decrease drop out rates will be created and training implemented for students, parents, and teachers.</li> </ul>	Spring 2007 and annually through 2011	Drop out center, Transition Liaison Project staff, Special Education Programs staff, Parent Connection, district staff

<ul style="list-style-type: none"> <li>Set up a data base to be used by districts when entering student exit information.</li> </ul>	Spring 2006	Special Education Programs staff, Bureau of Information & Telecommunications (BIT)
<ul style="list-style-type: none"> <li>Develop collaboration between high schools and post secondary schools to help special education students prepare for post secondary education through “Catch the Wave” conference.</li> </ul>	Spring 2006 and annually through 2011	Transition Liaison Project staff, Special Education Programs staff, Voc Rehab, post secondary school representatives
<ul style="list-style-type: none"> <li>Promote work experience through “Project Skills” program for HS special education students.</li> </ul>	2005-2011	Special Education Programs staff, district staff, Voc Rehab, Transition Liaison Project staff
<ul style="list-style-type: none"> <li>Provide career leadership training through the Youth Leadership Forum for special education high school juniors and seniors to serve as delegates from their communities.</li> </ul>	Summer 2006 and annually through 2011	Special Education Programs staff, Voc Rehab, Transition Liaison Project staff

## Part B State Performance Plan (SPP) for 2005-2010

## Overview of the State Performance Plan Development:

See page 1 of the State Performance Plan.

## Monitoring Priority: FAPE in the LRE

## Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

## Measurement:

A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

B. Participation rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall Percent = b + c + d + e divided by a.

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;

- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

**Overall Percent = b + c + d + e divided by a.**

### Overview of Issue/Description of System or Process:

The State's Adequate Yearly Progress (AYP) system process is aligned with NCLB and IDEA 2004 and includes state measurements of total population and all subgroups using a standardized test, setting cut scores, rigorous target goals, and measurement of yearly progress and reporting the progress to the public.

South Dakota will hold schools and districts accountable for having 100% of the students reach proficiency by 2013-14. Starting points, intermediate goals, and Annual Measurable Objectives will be calculated separately for two grade spans—high schools (schools that enroll students in grade 12) and elementary/middle schools, and for districts /State. Every subgroup, school, and district grade span in the state will be accountable for meeting the high school or elementary/middle school Annual Measurable Objectives.

The starting point for reading was recalculated July 2005 to reflect changes in academic content and achievement standards as well as the assessment for reading. Annual Measurable Objectives were also recalculated, preserving the 100% proficiency requirement no later than the 2013-2014 school year. Likewise, the starting point for mathematics will be recalculated June 2006 to reflect the revisions to the mathematics content and achievement standards as well as the assessment for math. Annual Measurable Objectives for math will then be recalculated.

### Annual measurable objectives for each grade span and subject area:

School Year	K-8		9-12	
	Reading	Math	Reading	Math
2002-2003	65%	45%	50%	60%
2003-2004	65%	45%	50%	60%
2004-2005	78%	54%	66%	67%
2005-2006	78%	54%	66%	67%
2006-2007	82%	54%	72%	67%
2007-2008	82%	63%	72%	73%
2008-2009	82%	63%	72%	73%
2009-2010	86%	63%	77%	73%

2010-2011	90%	73%	83%	80%
2011-2012	94%	82%	89%	87%
2012-2013	96%	91%	94%	93%
2013-2014	100%	100%	100%	100%

**Baseline Data for FFY 2004 (2004-2005):**

Data has been retrieved using 3 years of standardized test data analysis which results in the following baselines. Baseline data for 2004-2005 will be available sometime in December. As soon as the data is available indicator 3 will be revised and updated. This will occur before January 5, 2006.

**Districts Meeting Adequate Yearly Progress (AYP) for students with disabilities**

Year	Total Number of Districts	Districts meeting AYP status for students with disabilities in Reading	Percent of districts meeting AYP status for students with disabilities in Reading	Districts meeting AYP status for students with disabilities in Math	Percent of districts meeting AYP status for students with disabilities in Math
02-03	171	71	41.5%	97	56.7%
03-04	169	1	0.6%	1	0.6%
04-05	165	0	100%	0	100%

**Participation Rate**

2002-2003			
Participation	number of Special Ed. Tested	Total number of Special Ed.	percent tested
reading	8363	8615	97.07%
math	8382	8615	97.30%

2003-2004			
Participation	number of Special Ed. Tested	Total number of Special Ed.	percent tested
reading	8831	9083	97.23%
math	8873	9083	97.69%

2004-2005			
Participation	number of Special Ed. Tested	Total number of Special Ed.	percent tested
reading			
math			



**Proficiency Rate**

2002-2003	Sp Ed. Students proficient	Total number of Special Ed.	Percent proficient
reading	2028	8615	23.5%
math	1519	8615	17.6%

2003-2004	Sp Ed. Students proficient	Total number of Special Ed.	Percent proficient
reading	3098	9083	34.1%
math	2678	9083	29.5%

2004-2005	Sp Ed. Students proficient	Total number of Special Ed.	Percent proficient
reading			
math			

**Discussion of Baseline Data:**

The percent of districts in South Dakota meeting the states Adequate Yearly Progress objectives for progress in the disability subgroup fluctuates greatly within the three years of data collection. In the school year 02-03, students with significant cognitive disabilities were not counted in Adequate Yearly Progress calculations as per a federally approved waiver. In the school year 03-04, students with significant cognitive disabilities took an alternate assessment, but were automatically counted as below basic. In 04-05, students with significant cognitive disabilities were tested using an alternate assessment aligned with alternate achievement descriptors. The state was able to measure their proficiency level against alternate achievement descriptors and thereby identifying some of those students as proficient for Adequate Yearly Progress calculations. The State of South Dakota demonstrates a high rate of participation by children of disabilities in the state testing program according to the baseline data. Proficiency rates in math and reading prior to 2004-2005 did not allow proficiency measurement for students in alternate assessments, therefore the overall proficiency rates remain under 33%

Data from state trends and national trends were used as rationale for setting target goals. Based on national averages, South Dakota continues to score above average in proficiency levels in the disability subgroup. The 6 year target goals and annual increments were determined by using the annual measurable objectives for each grade span and subject area from the NCLB accountability workbook.

FFY	Measurable and Rigorous Target		
2005 (2005-2006)	Indicators		Reading
	Districts meeting AYP in disability subgroup		Math
	Participation rate for students with disabilities		
	Proficiency rate for students with disabilities	K-8	
		9-12	
2006 (2006-2007)	Indicators		Reading
	Districts meeting AYP in disability subgroup		Math
	Participation rate for students with disabilities		
	Proficiency rate for students with disabilities	K-8	
		9-12	
2007 (2007-2008)	Indicators		Reading
	Districts meeting AYP in disability subgroup		Math
	Participation rate for students with		

# SPP Template – Part B (3)

South Dakota  
State

	disabilities			
	Proficiency rate for students with disabilities	K-8	82%	63%
		9-12	72%	73%
2008 (2008-2009)	Indicators		Reading	Math
	Districts meeting AYP in disability subgroup		49.0%	40.0%
	Participation rate for students with disabilities		99.2%.	99.2%.
	Proficiency rate for students with disabilities	K-8	82%	63%
		9-12	72%	73%
2009 (2009-2010)	Indicators		Reading	Math
	Districts meeting AYP in disability subgroup		49.5%	40.5%
	Participation rate for students with disabilities		99.7%.	99.6%.
	Proficiency rate for students with disabilities	K-8	82%	63%
		9-12	77%	73%
2010 (2010-2011)	Indicators		Reading	Math

	Districts meeting AYP in disability subgroup		50.0%	41.0%
	Participation rate for students with disabilities		100%.	100%.
	Proficiency rate for students with disabilities	K-8	90%	73%
		9-12	83%	80%

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Special Education Programs will conduct annual analysis of student participation and proficiency rates as measured by Dakota STEP and Dakota STEP-A.</li> </ul>	July 2006 - 2011	Technical assistance with National Center for Special Education Accountability & Monitoring (NCSEAM), Special Education Programs staff training
<ul style="list-style-type: none"> <li>Professional development activities will be provided on aligning instruction to state standards, developing rigorous curriculum to meet those standards.</li> </ul>	October 2005 & January 2006 and on going through 2011	Mountain Plains Regional Resource Center (MPRRC), Access Center, Special Education Programs Staff
<ul style="list-style-type: none"> <li>Federal, state, and district funding will be used for professional development to ensure instructors are highly qualified and trained in scientifically based researched materials, practices and programs.</li> </ul>	Fall 2006 and on going through 2011	MPRRC, Access Center, Special Education Programs Staff, Office of Curriculum Technology & Assessment (OCTA)

**SPP Template – Part B (3)****South Dakota**  
State

<ul style="list-style-type: none"><li>• Educational Service Agency (ESA) systems comprised of seven regions throughout the state will focus on providing school improvement in the areas of reading and math.</li></ul>	2006 and on going through 2011	Special Education Programs staff, Education Service Agency Coordinators, OCTA
<ul style="list-style-type: none"><li>• Examine new regulations on 2% or modified assessment.</li></ul>	January 2006	Special Education Programs
<ul style="list-style-type: none"><li>• Begin development of modified achievement standards</li></ul>	February 2006	Special Education Programs, Curriculum Consultant, local special education teachers
<ul style="list-style-type: none"><li>• Begin developing modified assessment for the 2% group</li></ul>	Summer 2006	Special Education Programs
<ul style="list-style-type: none"><li>• Implement modified assessment</li></ul>	Spring 2007	Special Education Programs, Harcourt
<ul style="list-style-type: none"><li>• Collect and analyze data on statewide assessments.</li></ul>	Fall 2008	Special Education Programs, Office of Finance and Management
<ul style="list-style-type: none"><li>• Revise activities and targets</li></ul>	Fall 2008	Special Education Programs

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE****Indicator 4: Rates of suspension and expulsion:**

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and**
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.**

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**

- A. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.**
- B. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the State times 100.**

**Include State's definition of "significant discrepancy."**

**Overview of Issue/Description of System or Process:**

South Dakota has reviewed the Suspension/Expulsion data for FFY 2004. Special Education Programs has established the following new definition of "significant discrepancy" for suspension/expulsion for FFY 2004:

- A significant discrepancy means more than 5% of the unduplicated students with disabilities at the district level with more than 2 students included in the numerator and the district child count included in the denominator.

Students with disabilities at the district ÷ Child Count at the district

Special Education Programs used the 2004-2005 data to compare the rates of students with disabilities (SWD) among the districts in the State to determine if significant discrepancies were occurring.

Prior to FFY 2004, South Dakota did not compare the suspension and expulsion rates of students with disabilities among districts. However, a comparison was made between students with disabilities and their non-disabled peers.

For Indicator 4B South Dakota will continue to collect suspension and expulsion data through a secure web based collection tool. Districts will continue to input suspension and expulsion data upon the close of each school year. The data will be disaggregated by race ethnicity and disability at the district level.

#### **Baseline Data for FFY 2004 (2004-2005):**

A. 1.80% of districts were identified by the South Dakota as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

3 districts /167 total districts = 1.80%

Baseline data for FFY 2004 is 1.80%.

B. New Indicator – No baseline established

#### **Discussion of Baseline Data:**

A. 1.80% of the districts in South Dakota had suspension rates of greater than 5% of their population of special education students.

B. New Indicator – No baseline established

The change in South Dakota's definition of significant discrepancy makes longitudinal analysis unfeasible for FFY 2004.

Special Education Programs compared the rates of students with disabilities (SWD) among the districts in the State to determine if significant discrepancies were occurring. Please see the chart below.

<b>District Name</b>	<b>3B: unduplicated count of disabled students suspended/expelled for more than 10 days</b>	<b>Child count for LEAs listed</b>	<b>Percentage of SWD suspended/expelled for &gt; 10 days</b>
Brookings School District 05-1	4	366	1.09%

Mitchell School District 17-2	3	383	0.78%
Rapid City Area School District 51-4	10	1705	0.59%
Sioux Falls School District 49-5	5	2782	0.18%
Smee School District 15-3	4	65	6.15%
Todd County School District 66-1	27	328	8.23%
Wagner Community School District 11-4	8	158	5.06%
<b>Total SWD</b>	<b>61</b>	<b>5787</b>	<b>1.05%</b>

In comparing statewide data, students with disabilities have a suspension and expulsion rate of 1.05% . Using Special Education Programs new definition of significant discrepancy three districts meets the criteria for having a significant discrepancy in the rate of long-term suspensions and expulsions of students with disabilities. The three districts can be seen highlighted in yellow above representing students with disabilities.

Special Education Programs will be reviewing and, if appropriate, revising its policies, procedures and practices to comply with the final regulations of IDEA 2004. The districts with significant discrepancies in suspension and expulsion rates for students with disabilities will be identified and will be required to analyze the district suspension/expulsion reporting procedures as well as reviewing the district policies, procedures and practices relating to implementation of Individualized Education Plans, procedural safeguards, and the use of positive behavioral interventions. The districts with significant discrepancies will hold a joint meeting with Special Education Programs to discuss district policies, procedures and practices and devise a plan to address the significant discrepancies with follow-up from Special Education Programs.



FFY	Measurable and Rigorous Target
2005 (2005-2006)	A) 1.75% of districts with suspension rates > 5% of their students with disabilities population
	B) Data will be collected by November 2006 and then targets will be set to be submitted in 2007 APR.
2006 (2006-2007)	A) 1.70% of districts with suspension rates > 5% of their students with disabilities population.
	B) Targets will be set by February 1, 2007 APR.
2007 (2007-2008)	A) 1.65% of districts with suspension rates > 5% of their students with disabilities population
	B) Targets will be set by February 1, 2007 APR.
2008 (2008-2009)	A) 1.60% of districts with suspension rates > 5% of their students with disabilities population
	B) Targets will be set by February 1, 2007 APR.
2009 (2009-2010)	A) 1.55% of districts with suspension rates > 5% of their students with disabilities population
	B) Targets will be set by February 1, 2007 APR.
2010 (2010-2011)	A) 1.50% of districts with suspension rates > 5% of their students with disabilities population
	B) Targets will be set by February 1, 2007 APR.

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Revise our suspension and expulsion data collection to include race and ethnicity for non-disabled students</li> </ul>	April 2006	Special Education Programs staff, Bureau of Information & Telecommunications staff, Office of Finance and Management staff
<ul style="list-style-type: none"> <li>Identify districts with significant discrepancies and have districts complete an analysis tool to identify reasons for significant discrepancies.</li> </ul>	January 2006 and on going annually through 2011	Special Education Programs staff, district staff
<ul style="list-style-type: none"> <li>All districts with significant discrepancies will review their policies, procedures, and practices in the district comprehensive plan.</li> </ul>	February 2006 and on going annually through 2011	Special Education Programs staff, district staff
<ul style="list-style-type: none"> <li>Conduct professional development on the use of positive behavioral interventions and supports.</li> </ul>	October 2005 / on going through 2011	Special Education Programs staff, Sopris West staff
<ul style="list-style-type: none"> <li>Examine the analysis tool to identify reoccurring reasons for suspension and expulsions.</li> </ul>	January 2007	Special Education Programs
<ul style="list-style-type: none"> <li>Target the areas of concern by providing professional development opportunities and updating technical assistance information to districts.</li> </ul>	Summer 2007 - 2011	Special Education Programs, Sopris West
<ul style="list-style-type: none"> <li>Form a partnership with Title programs to identify districts with significant discrepancies in both programs. Collaborate to provide Technical Assistance to identified districts.</li> </ul>	Summer 2008- 2011	Special Education Programs, Title programs

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE****Indicator 5: Percent of children with IEPs aged 6 through 21:**

- A. Removed from regular class less than 21% of the day;**
- B. Removed from regular class greater than 60% of the day; or**
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.**

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.**
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.**
- C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.**

**Overview of Issue/Description of System or Process:**

During the Individual Education Program (IEP) process, the IEP team determines that appropriate goals and objectives have been written, students are placed in the least restrictive environment according to the amount of time they are removed from the regular classroom setting. As part of the Continuous Improvement Monitoring Process (CIMP) Self-Assessment districts review their policies and IEP procedures to ensure that placement is occurring in the least restrictive environment through the following questions:

- \_\_\_\_ Placement in a specific special education program on the continuum of least restrictive environments (LRE) is determined after the support system for the child is designed.
- \_\_\_\_ Removal from the general education environment occurs only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- \_\_\_\_ The school district provides an explanation of the extent, if any, to which the child will not participate in the general education classroom, the general education curriculum, or extracurricular or other nonacademic activities.
- \_\_\_\_ Consent from the parent is obtained prior to the initial provision of special education and related services to a student with disability.
- \_\_\_\_ Children with disabilities are educated with children who are not disabled to the maximum extent appropriate;
- \_\_\_\_ Children with disabilities are enrolled in the school he or she would attend if nondisabled, unless the IEP requires another placement;
- \_\_\_\_ Removal from education in age-appropriate general classrooms is not done solely because of needed modifications in the general curriculum;
- \_\_\_\_ The setting is determined after the needs, goals, and objectives for the children are determined;
- \_\_\_\_ An array of services or a continuum of alternative placement options are available to meet the individual needs of each child;
- \_\_\_\_ Placement decisions are made individually for each child;
- \_\_\_\_ Consideration is given to any potentially harmful effects of the placement on the student or on the quality of services;
- \_\_\_\_ The placement allows the child to participate with children without disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate;
- \_\_\_\_ Special classes, separate schooling, or other removal from the general education classroom environment occurs only when the nature or severity of the disability is such that education in general classes cannot be achieved satisfactorily

The above Least Restrictive Environment (LRE) issues are then checked during the monitoring cycle. Onsite monitoring at the district level is conducted on a 5 year cycle. Districts annually submit placement data electronically through the Student Information Management Systems.

#### Baseline Data for FFY 2004 (2004-2005):

A. Removed less than 21% of the day	63%
B. Removed greater than 60% of the day	6%
C. Served in separate schools, residential placement, or home/hospital	4.5%

Special Education Placement Data – Ages 6-21		
School Age (ages 6-21) Settings		
	2004-2005	
Regular classroom with modifications	9,371	63%
Resource Room	3,862	26%
Self-contained classroom	959	6%

Day program	266	1.8%
24-hour program	381	2.6%
Home /hospital	20	.1%
Total # of children	14,859	

**Discussion of Baseline Data:**

The data table above shows special education placement for students with disabilities ages 6 – 21. The percentage of students served in the regular classroom with modifications was 63% for the 2004-2005 school year. This setting has students with disabilities removed from the regular classroom setting less than 21% of the school day. Students with disabilities in the Self-contained classroom setting are removed from the regular classroom setting for more than 60% of the school day. 6% of South Dakota's students with disabilities are in this setting. South Dakota students with disabilities served in separate schools, residential placement, or a home/hospital setting make up 4.5% of the placements for 2004-2005.

- South Dakota is a very rural state and as a result, many school districts do not have resources available to handle extreme students. Many of our programs dealing with high needs students are located in two areas, the southeastern and southwestern part of the state where the state's largest population areas are located.
- South Dakota's Separate placement categories are 4.5% for 2004-2005. This is an area that Special Education Programs will be looking at over the coming year.
- South Dakota has been working to make sure that child find efforts are comprehensive statewide.
- Special Education Programs has worked with the University of South Dakota Center for Disabilities in funding intensive training in both autism and fetal alcohol spectrum disorders for school district personnel.
- Special Education Programs has also worked with Black Hills Special Services Cooperative to provide services that meet the needs of students identified with autism in western South Dakota.
- Some rural school districts have difficulty attracting highly qualified special education personnel and positions are open throughout the school year. For 2004-2005 school year there were 3031.20 special education personnel positions, 91.99 were contracted, 51.42 were non-authorized, 12.03 non-certified, along with 11 vacancies. When a student with an exceptional need comes into a small rural school district, the district may often have a difficult time hiring staff for the child who would be qualified to meet their needs. Special classes, separate schooling, or other removal from the general education classroom environment occurs only when the nature or severity of the disability is such that education in general classes cannot be achieved satisfactorily in the district. The IEP team only looks to place a student outside of their local district if the district can not provide the services or programs the student may need. South Dakota Special Education Programs will work to decrease this percentage through collaboration with the Office of Accreditation and Teacher Quality, higher education and continued support for school districts within the state.

According to the national average, South Dakota is in the top 20% for placing students in the regular classroom who are removed from the regular classroom less than 21% of the day. South Dakota will promote movement in the least restrictive environment by increasing the percentage of students in the regular classroom setting and decreasing the percentage of students in placements outside the regular classroom setting.

- Column A represents the percentage of students who are removed from regular education classroom less than 21% of the day.
- Column B represents the percentage of students who are removed from the regular education classroom greater than 60% of the day.
- Column C represents the percentage of students who are in public or private separate schools, residential placements, or homebound or hospital placements.

FFY	Measurable and Rigorous Target		
2005 (2005-2006)	A. <21	B. >60	C. Separate
	64%	6%	3.1%
2006 (2006-2007)	64%	6%	3.1%
2007 (2007-2008)	65%	5.5%	3%
2008 (2008-2009)	65%	5.5%	3%
2009 (2009-2010)	65%	5.5%	3%
2010 (2010-2011)	66%	5%	2.9%

**Improvement Activities/Timelines/Resources:**

**SPP Template – Part B (3)****South Dakota**  
State

Activities	Timeline	Resources
Identify the 5% of districts that have the lowest regular classroom setting percentage.	Summer 2006 and annually through 2011	Office of Finance and Management, National Center for Special Education Accountability and Monitoring, Special Education Programs staff
Provide training opportunities for the general classroom educators in identified districts, along with all districts, concerning modifications and accommodations, teaching strategies and disability awareness training.	Summer/Fall 2006  On-going through 2011	University Training Programs, Special Education Programs, Educational Service Agency, Title, Office of Curriculum Technology and Assessment (OCTA)
Provide training opportunities for special education teachers in identified districts, along with all districts, on the process of the justification of placements and necessity of the Least Restrictive Environment.	Fall 2006 and on going annually through 2011	Education Service Agency, Special Education Programs, University Training Programs
Train SIMS data person at the district level for Special Education	Spring 2006 and On-going through 2011	SIMS person, Special Education Programs, Office of Finance and Management
Conduct training workshops for special education personnel how to deal with behavioral and emotional disturbed students.	Summer 2007/on-going through 2011	Special Education Programs, Crisis Prevention Institute
Evaluate training of general and special education personnel and staff to decrease self-contained and separate placement and increase regular classroom placement with accommodations and modifications.	Summer 2008 and Summer 2010.	Special Education Programs, district staff

## SPP Template – Part B (3)

## South Dakota State

Work with districts to help recruit special education personnel in rural areas to work with students who have low incidence disabilities.	Summer 2008/ on-going through 2010	Special Education Programs, South Dakota Higher Education, Teacher Quality
Develop and implement a special education endorsement which can be available to all teachers in South Dakota.	Spring 2006/ ongoing through 2010	Special Education Programs, Special Education Endorsement Taskforce, Teacher Quality



**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE**

**Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).**

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

**Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.**

**Overview of Issue/Description of System or Process:**

Each school district reports through the Student Information Management System (SIMS) annually using the December 1 child count. The SIMS is the statewide online system used to collect information about all students in South Dakota schools. Districts submit data through the student data records. Each student has a 9 digit unique student identifier number. The unique student identifier number allows the SIMS system to collect and sort data without duplication errors. Each school district in South Dakota has a SIMS coordinator in place. The SIMS coordinator attends yearly training on the SIMS system.

During the Individual Education Plan (IEP) process, the IEP team determines that children who are in the Part B 619 program are served in the least restrictive environment. As part of the Continuous Improvement Monitoring Process (CIMP) Self-Assessment, districts review their policies and IEP procedures to ensure that placement is occurring in the least restrictive environment through the following questions:

- District procedures are in place for the smooth transition of children participating in the early intervention program who are eligible for participation in preschool programs under Part B. These procedures include all elements from ARSD 24:14:13:05. Transition from early intervention program.
- The district comprehensive plan has procedures in place to address the transition of children to the Part B program.
- All least restrictive environment (LRE) considerations are applied to preschool children with disabilities.

- If the school district/agency does not operate preschool programs for non-disabled children, the school district/agency meets the individual needs of preschool children with disabilities in LRE by providing some alternative settings, such as:
  - providing opportunities for participation in programs operated by other agencies;
  - placing preschool students in private school programs; and/or
  - locating classes for preschool children in elementary schools.

The above LRE questions are then validated during the monitoring cycle. Onsite monitoring for a district is conducted on a 5 year cycle. Districts annually submit placement data information electronically through the Student Information Management Systems.

#### Baseline Data for FFY 2004 (2004-2005):

51% of preschool children with Individual Education Plans received special education and related services in settings with typically developing peers.

$$1403 / 2776 = 51\%$$

Special Education Placement Data- Ages 3-5	
Early Childhood Settings	Year
	2004-2005
Home	Actual Numbers
	56
Early Childhood Setting	450
Part-time early childhood/ part-time early childhood special education	897
Total # of children	2776
Percent of Preschool children with IEPs who received special education and related services in settings with typically developing peers	51%

#### Discussion of Baseline Data:

- South Dakota has 51% of the preschool children on Individual Education Programs receiving special education and related services in settings with typically developing peers.

- The home setting is for children who receive all of their special education and related services in the principle residence of the child's family or caregiver.
  - The early childhood setting is for children who receive all of their special education and related services in educational programs designed primarily for children without disabilities. In South Dakota this includes the regular kindergarten classroom, public or private preschools, Head Start, child care facilities, or a combination of two of the above settings.
  - The part-time early childhood/part-time early childhood special education setting is for children who receive services in multiple settings such that 1). A portion of their special education and related services are provided at home or in educational programs designed primarily for children without disabilities; and 2). The remainder of their special education and related services are provided in programs designed primarily for children with disabilities. In South Dakota this may include; home/early childhood special education combinations, Head-Start, child care, nursery school facilities, or other community-based settings with special education provided outside the regular class, regular kindergarten classes with special education provided outside the regular class, etc.
- Regular education preschool programs are not required in South Dakota.
  - Due to our rural nature and sparse population in many areas of the state, Head Start may be one of the options available in many areas.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	South Dakota will increase the percentage of preschool children with IEPs who receive special education and related services in settings with typically developing peers to 52%.
2006 (2006-2007)	South Dakota will increase the percentage of preschool children with IEPs who receive special education and related services in settings with typically developing peers to 52.5%.
2007 (2007-2008)	South Dakota will increase the percentage of preschool children with IEPs who receive special education and related services in settings with typically developing peers to 53%.
2008 (2008-2009)	South Dakota will increase the percentage of preschool children with IEPs who receive special education and related services in settings with typically developing peers to 54%.
2009 (2009-2010)	South Dakota will increase the percentage of preschool children with IEPs who receive special education and related services in settings with typically

	developing peers to 55%.
2010 (2010-2011)	South Dakota will increase the percentage of preschool children with IEPs who receive special education and related services in settings with typically developing peers to 55.6%.

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>A Technical Assistance document will be sent to every district in the state defining LRE options and SIMS codes for early childhood settings.</li> </ul>	Summer 2006	Special Education Programs, Mountain Plains Regional Resource Center (MPRRC), National Early Childhood Technical assistance Center (NECTAC)
<ul style="list-style-type: none"> <li>Training on appropriate early childhood least restrictive environment options.</li> <li>Districts will disaggregate data on 04-05 preschool special education children as a part of this effort.</li> </ul>	2006/2007 school year; on going through 2011	Special Education Programs and Educational Service Agencies (ESA), Mountain Plains Regional Resource Center (MPRRC), National Early Childhood Technical Assistance Center (NECTAC)
<ul style="list-style-type: none"> <li>Develop a survey to send to districts to determine what preschool options are available in their districts.</li> <li>Collect and tabulate the information to be used by Special Education Programs for data comparison.</li> </ul>	Summer 2006	Special Education Programs staff, districts
<ul style="list-style-type: none"> <li>Develop a data collection tool for the districts to complete at the end of each school year that</li> </ul>	Spring 2006 and completed annually at the end of school through 2011	Special Education Programs, district staff, BIT,

addresses Early Childhood Settings used for their district population compared to what Early Childhood Settings are available within their district.		
<ul style="list-style-type: none"> <li>• Data will be disaggregated at the district level.</li> <li>• Disseminate information on the percent of preschool children with IEPs who receive special education and related services in settings with typically developing peers for each district and show their comparison to the state target.</li> </ul>	Summer 2006 and annually through 2011	Special Education Programs, OFM

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE****Indicator 7: Percent of preschool children with IEPs who demonstrate improved:**

- A. Positive social-emotional skills (including social relationships);**
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and**
- C. Use of appropriate behaviors to meet their needs.**

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:****A. Positive social-emotional skills (including social relationships):**

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

**B. Acquisition and use of knowledge and skills (including early language/communication and early literacy)**

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

**If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.**

**C. Use of appropriate behaviors to meet their needs:**

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

**If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.**

**Overview of Issue/Description of System or Process:**

In Part C, South Dakota currently evaluates all children in all 5 areas of development. Part C Birth to 3 Connections program began efforts to measure improvement in the five developmental areas (cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development) in 2003. The program has been keeping track of the test scores in the developmental areas in the state database.

Beginning in March 2006 when children enter the Part B system South Dakota will administer a post test in all 5 areas of development upon exiting Part C. Currently when a child exits the Birth to 3 Connections program, the child is tested only in the area(s) of concern per Part B rules and regulations. The exit data for Part C will become the baseline data for children who become eligible for Part B. Children who enter the Part B (619) system after the age of 3 will be pre-tested in all 5 areas of development to establish baseline. Upon exiting the 619 program a post test will be administered in all 5 areas of development. The baseline pretest scores will be compared to the post test scores in the 5 areas of development evaluated to determine progress in the three required sub-indicators.

When evaluating a child exiting Part C and/or entering Part B (619) for outcome data reporting purposes, districts will evaluate children in each of the 5 areas of development on a norm-referenced standardized assessment tool. The state does not specify which tool(s) may be used but strongly recommends the use of the Battelle Developmental Inventory-Second Edition (BDI-2). The Battelle meets the requirements for collecting baseline data and can be used in conjunction with eligibility determination as one assessment instrument. Use of the Battelle will also allow for the continued tacking of longitudinal data on child development from Part C through Part B 619.

The state strongly recommends that the evaluators use the BDI-2. If different instruments are desired to be used then the evaluator (local school district) would need to show a cross walk on the instrument by a credited resource such as the Early Childhood Outcome (ECO) Center.

Total standard deviation scores for each outcome will be entered into the data system. One complete set of scores will be determined and entered into the data system within 1 month of entering Part B 619 and prior to exiting for children who have been in the system for at least 6 months.

Part B 619 will use the total standard deviation scores from each outcome area for each child to analyze the change in development from the BDI-2 at entry (time 1) to the BDI-2 at exit (time 2). With the publisher we will establish age level expectations for each outcome area for ages 6 months, 18 months, 24 months, and 36 months, etc. For each outcome area:

- a) If scores at time 1 and time 2 are both age level expectations, then children will be counted in priority (a). If scores at entry are below age expectations, but at exit they are at age level expectations, then the children also will be counted in (a).
- b) If scores at time 2 are higher than scores at time 1 (but not at age level expectations), they will be counted in (b).
- c) If scores at time 2 are the same or lower than scores at time 1, then they will be counted in (c).

Measurement to address the different areas will be as follows:

A. Positive social-emotional skills (including social relationship) will be calculated from the test scores that are received at the entry to the program and exit from the program in the areas of social/emotional development. This score will be calculated to determine the percent of children with IEPs who reach or maintain functioning at a level comparable to same-aged peers, who improved functioning and who did not improve functioning.

B. Acquisition and use of knowledge and skills (including early language/communication) will be calculated from the test scores that are received at the entry to the program and exit from the program in the areas of cognitive/receptive communication and expressive communication. This score will be calculated to determine the percent of children with IEPs who reach or maintain functioning at a level comparable to same-aged peers, who improved functioning and who did not improve functioning.

C. Use of appropriate behaviors to meet their needs will be calculated from the test scores that are received at the entry to the program and exit from the program in the areas of gross motor/fine motor/adaptive. This score will be calculated to determine the percent of children with IEPs who reach or maintain functioning at a level comparable to same-aged peers, who improved functioning and who did not improve functioning.

All children who have exited the Part C and/or entered Part B (619) after 3-1-06 and who are enrolled for at least six months will be administered a pre and post test assessment using a norm-referenced standardized assessment tool such as the BDI-2. The pre test can be administered as part of the eligibility determination or will be given within 25 school days of entering the Part B (619) program. There is no strict timeline for administering the post test but it will be done fairly close to the time the child exits the Part B (619) system.



Data for the test will be entered into the Birth to 3 Connections data system by the state Birth to 3 Connections data manager at entry and exit from the Part B (619) program. For the initial assessment, the program will report the total number of items achieved in each outcome area as a standard deviation score. For the final entry when the child exits, the program will again enter the total number of items achieved in each outcome area as the standard deviation scores for that assessment date. The pre test and post test data will be submitted by district personnel on a state required form.

Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use will include:

- Annual training will be available to new practitioners and ongoing technical assistance will be available to Part B 619 providers through the South Dakota Education Service Agencies.
- In February, Part B and C will collaborate to provide a statewide training for the BDI -2 in South Dakota. In January, 2006 a notice will be sent to the 168 local schools districts in the state on the change of testing requirements and the training for the BDI-2. Special Education Programs will provide training in 3 areas in the state (Brookings, Rapid City, and Pierre). In March 2006, there will be BDI 2 training at the South Dakota Council for Exceptional Children Conference. This data will provide the State the needed data for both Part B and C to address the child outcome indicators which are to provide the number of infants and toddlers who reach or maintain functioning at a level comparable to same-aged peers, who improve functioning, and who did not improve.

Quality assurance and monitoring procedures to ensure accuracy and completeness of the outcome data include:

- All data are entered into the Birth to 3 Connections data system by the State Birth to 3 Connections data manager. The State Part B 619 coordinator will review the test scores for accuracy and completeness and follow-up to verify if needed.

Data system elements for outcome data input and maintenance and outcome data analysis functions include:

- The data system has a section devoted to this endeavor. Currently, access to the data system is only permitted with credentials assigned by the lead agency and is limited to the five Birth to 3 Connections Part C staff and the data manager within the Bureau of Information & Telecommunications dedicated to the Department of Education. Part B will be working with Part C to continue data collection with the Birth to 3 Connections data collection system currently in place in order to ensure accurate longitudinal data can be obtained. The quality assurance manager with the assistance of the data manager for Birth to 3 Connections, and the 619 Coordinator completes the statewide analysis.

**Baseline Data for FFY 2004 (2004-2005):**

Baseline entry data will be provided in the February 1, 2007 APR.

**Discussion of Baseline Data:**

Discussion of baseline data will be provided in the February 1, 2007 APR.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Targets will be set in the February 1, 2008 APR
2006 (2006-2007)	Targets will be set in the February 1, 2008 APR
2007 (2007-2008)	Targets will be set in the February 1, 2008 APR
2008 (2008-2009)	Targets will be set in the February 1, 2008 APR
2009 (2009-2010)	Targets will be set in the February 1, 2008 APR
2010 (2010-2011)	Targets will be set in the February 1, 2008 APR

**Improvement Activities/Timelines/Resources:** new indicator

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: FAPE in the LRE**

**Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.**

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

**Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.**

**Overview of Issue/Description of System or Process:**

South Dakota will use the complete Parent Survey developed by the National Center for Special Education Accountability Monitoring (NCSEAM) to gather data for this indicator. South Dakota has utilized a parent survey for many years as part of the monitoring process. Parents are accustomed to receiving a survey from Special Education Programs through the mail during the district's five year monitoring cycle. South Dakota will contract with a vendor to score, and analyze the NCSEAM survey.

In January 2006, Special Education Programs will contact NCSEAM and a vendor to establish how South Dakota will distribute and collect the Parent Survey information. South Dakota will continue to utilize the monitoring cycle for gathering the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. In order to ensure a representative sample for our baseline data South Dakota will include districts monitored in 2004-2005 and 2005-2006. It is the intent of Special Education Programs to have parents complete a mail survey for the collection based on the districts that were monitored in FFY 2004 and FFY 2005. Special Education Programs will mail out and collect the surveys. The surveys will be analyzed by the contract vendor and baseline data can be reported in the FFY 2005 APR due February 1, 2007.

South Dakota will also begin to collect the Parent Survey information from the parents of the districts who are going to be monitored during FFY 2006 by conducting the survey over the summer before the districts are monitored in the fall of 2006. Special Education Programs will

compare the survey return rate to see if additional ways of collecting the survey need to be considered.

**Baseline Data for FFY 2004 (2004-2005):**

South Dakota will be providing baseline data in APR due February 1, 2007.

**Discussion of Baseline Data:**

Discussion of baseline data will be provided in the FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2006 (2006-2007)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2007 (2007-2008)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2008 (2008-2009)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2009 (2009-2010)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2010 (2010-2011)	Targets will be set after baseline data is collected for the February 1, 2007 APR.

**Improvement Activities/Timelines/Resources: new indicator**

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

See page 1 of the State Performance Plan.

### Monitoring Priority: Disproportionality

**Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.**

(20 U.S.C. 1416(a)(3)(C))

#### Measurement:

**Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.**

**Include State's definition of "disproportionate representation."**

**Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.**

### Overview of Issue/Description of System or Process:

Each school district reports through the Student Information Management System (SIMS) annually. The SIMS is the statewide online system used to collect information about all students in South Dakota schools. Districts submit data through the student data records. Each student has a 9 digit unique student identifier number. The unique student identifier number allows the SIMS system to collect and sort data without duplication errors. The SIMS system does collect racial/ethnic information currently as well as data on related services by each student's unique identifier number; however Special Education Programs has not collected this information from data collection in the past. Special Education Programs will begin to collect this information in order to see if disproportionate representation exists. Each school district in South Dakota has a SIMS coordinator in place. The SIMS coordinator attends yearly training on the SIMS system.

Districts enter the required data currently on the SIMS. Special Education Programs collects this for their 618 data. South Dakota has elected to use the electronic spreadsheet provided by WESTAT to show potential disproportionate representation of racial/ethnic groups in special education and related services and to flag those districts. WESTAT is a federally funded research corporation consulting in statistical design, data collection and

management, and research analysis work. Special Education programs and districts will then look closer to see if there is disproportionate representation of racial/ethnic groups in special education and related services based on inappropriate identification. Beginning the summer of 2006 NCSEAM will be assisting Special Education Programs in a data collection retreat. This will be a time set aside annually for Special Education Programs staff to review state and district data.

South Dakota has many small rural school districts. 26.1% of the districts in South Dakota have 200 or less student enrollment for grades K -12 and 48% have 201-600 student population for grades K-12. The largest category of student enrollment is comprised of Caucasian students at 84.6%, Native American students make up 10.8% of the public school enrollment followed by Hispanic students at 1.09%, African American students at 1.6% and Asian students at 1.1%.

Because the state has such small numbers of students, when broken out by race/ethnicity, it appears to report potentially significant numbers of students as being over and under identified in various disability categories and placements. The data points that are flagged could be the result of the small numbers being analyzed.

The appropriate identification, evaluation, and placement for children with disabilities is an ongoing training effort for the state agency. The state annually provides trainings and technical materials designed to ensure appropriate practices are in place. The state agency's compliance monitoring reviews the policies and procedures of each district during the school year's cycle for compliance monitoring with administrative rules governing evaluation, identification and placement procedures. If any district is identified with a compliance concern, individualized improvement plans are initiated to address any findings of noncompliance.

To ensure statistically sound data, a minimum number (N) will be applied where appropriate. The necessity of applying a statistical analysis and a minimum N to certain target indicators was due to exceptionally small sample sizes. A minimum number large enough to provide both valid and reliable target determinations will be set for certain target indicators. South Dakota will be utilizing a minimum N with this indicator to help ensure confidentiality of students from particular ethnic or linguistic groups in South Dakota public schools as well as to ensure statistically sound data. For all NCLB data South Dakota uses a minimum N of 10. Special Education Programs will follow South Dakota NCLB protocol.

South Dakota will identify districts with disproportionality that may be the result of inappropriate identification as follows:

- Stakeholder input will be received regarding the weighted and unweighted risk ratio formulas and the development of South Dakota's definition of disproportionate representation
  - Depending on Stakeholder input after seeing FFY 2004 baseline data South Dakota will decide upon whether to use a weighted or unweighted risk ratio
- Each district with any student cell size number of 10 or greater will be considered in the review process
- Using the WESTAT electronic spreadsheet, South Dakota will flag the districts with potential disproportionate representation of racial/ethnic groups in special education and related services.
- Special Education Programs will study the data and determine which school districts

have disproportionate representation of racial/ethnic groups in special education and related services.

- Once districts are identified with the highest risk factor for disproportionate representation of racial/ethnic groups in special education and related services, an analysis of data will be conducted by Special Education Program staff along with local districts to see if the disproportionate representation of racial/ethnic groups in special education and related services is based on inappropriate identification.
- Data collected from monitoring will also be used to examine if the district was out of compliance for evaluation and eligibility procedures.
- Districts that are identified for two consecutive years will be required to complete the disproportionality analysis tool
  - Districts that have completed the analysis tool and have been found to have appropriate policies, procedures and practices will not have to participate in further
  - Districts that have been found to have disproportionate representation of racial/ethnic groups in special education and related services based on inappropriate identification will develop a plan of correction.
- The district that has developed a plan of correction will receive additional technical assistance to correct the inappropriate identification procedures leading them to have disproportionate representation based on inappropriate identification.

#### **Baseline Data for FFY 2004 (2004-2005):**

We will collect baseline data to be provided in the APR due February 1, 2007.

#### **Discussion of Baseline Data:**

Discussion of baseline data will be provided in the FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2006 (2006-2007)	0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2007 (2007-2008)	0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2008 (2008-2009)	0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of

	inappropriate identification.
2009 (2009-2010)	0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
2010 (2010-2011)	0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

**Improvement Activities/Timelines/Resources: new indicator**



**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Disproportionality**

**Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.**

(20 U.S.C. 1416(a)(3)(C))

**Measurement:**

**Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.**

**Include State's definition of "disproportionate representation."**

**Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.**

**Overview of Issue/Description of System or Process:**

Each school district reports through the Student Information Management System (SIMS) annually. The SIMS is the statewide online system used to collect information about all students in South Dakota schools. Districts submit data through the student data records. Each student has a 9 digit unique student identifier number. The unique student identifier number allows the SIMS system to collect and sort data without duplication errors. The SIMS system does collect racial/ethnic information as well as a student's disability category by each student's unique identifier number; however Special Education Programs has not previously collected this information from data collection. Special Education Programs will begin to collect this information in order to see if disproportionate representation exists within specific disability categories. Each school district in South Dakota has a SIMS coordinator in place. The SIMS coordinator attends yearly training on the SIMS system.

Districts enter the required data currently on the SIMS. Special Education Programs collects this for their 618 data. South Dakota has elected to use the electronic spreadsheet provided by WESTAT to show potential racial/ethnic disproportionate representation by disability categories and to flag those districts. WESTAT is a federally funded research corporation consulting in statistical design, data collection and management, and research analysis work. Special Education programs and districts will then look closer to see if there is disproportionate representation by race/ethnicity in specific disability categories based on

inappropriate identification. Beginning the summer of 2006 NCSEAM will be assisting Special Education Programs in a data collection retreat. This will be a time set aside annually for Special Education Programs staff to review state and district data.

South Dakota has many small rural school districts. 26.1% of the districts in South Dakota have 200 or less student enrollment for grades K -12 and 48% have 201-600 student population for grades K-12. The largest category of student enrollment is comprised of Caucasian students at 84.6%, Native American students make up 10.8% of the public school enrollment followed by Hispanic students at 1.09%, African American students at 1.6% and Asian students at 1.1%.

Because the state has such small numbers of students, when broken out by race/ethnicity, it appears to report potentially significant numbers of students as being over and under identified in various disability categories and placements. The data points that are flagged could be the result of the small numbers being analyzed.

The appropriate identification, evaluation, and placement for children with disabilities is an ongoing training effort for the state agency. The state annually provides trainings and technical materials designed to ensure appropriate practices are in place. The Special Education Programs compliance monitoring teams review the policies and procedures of each district during the school year's cycle for compliance monitoring with administrative rules governing evaluation, identification and placement procedures. If any district is identified with a noncompliance finding, individualized improvement plans are initiated to address any noncompliance findings.

To ensure statistically sound data, a minimum number (N) will be applied where appropriate. The necessity of applying a statistical analysis and a minimum N to certain target indicators was due to exceptionally small sample sizes. A minimum number large enough to provide both valid and reliable target determinations will be set for certain target indicators. South Dakota will be exploring the possibility of utilizing a minimum N with this indicator to help ensure confidentiality of students from particular ethnic or linguistic groups in South Dakota public schools as well as to ensure statistically sound data.

South Dakota will identify districts with disproportionality that may be the result of inappropriate identification as follows:

- Stakeholder input will be received regarding the weighted and unweighted risk ratio formulas and the development of South Dakota's definition of disproportionate representation
  - Depending on Stakeholder input after seeing FFY 2004 baseline data South Dakota will decide upon whether to use a weighted or unweighted risk ratio
- Each district with any student cell size number of 10 or greater will be considered in the review process
- Using the WESTAT electronic spreadsheet, South Dakota will flag the districts with potential disproportionate representation by race/ethnicity in specific disability categories.
- Special Education Programs will study the data and determine which school districts have disproportionate representation by race/ethnicity in specific disability categories.
- Once districts are identified with the highest risk factor for disproportionate representation by race/ethnicity in specific disability categories, an analysis of data will be conducted by Special Education Program staff along with local districts to see if the

disproportionate representation by race/ethnicity in specific disability categories is based on inappropriate identification.

- Data collected from monitoring will also be used to examine if the district was out of compliance for evaluation and eligibility procedures.
- Districts that are identified for two consecutive years will be required to complete the disproportionality analysis tool
  - Districts that have completed the analysis tool and have been found to have appropriate policies, procedures and practices will not have to participate in further
  - Districts that have been found to have disproportionate representation by race/ethnicity in specific disability categories based on inappropriate identification will develop a plan of correction.
- The district that has developed a plan of correction will receive additional technical assistance to correct the inappropriate identification procedures leading them to have disproportionate representation based on inappropriate identification.

#### **Baseline Data for FFY 2004 (2004-2005):**

SEP will collect baseline data to be provided in the APR due February 1, 2007.

#### **Discussion of Baseline Data:**

Discussion of baseline data will be provided in the FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	0% of districts will have disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.
2006 (2006-2007)	0% of districts will have disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.
2007 (2007-2008)	0% of districts will have disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.
2008 (2008-2009)	0% of districts will have disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.
2009	0% of districts will have disproportionate representation of racial and ethnic

(2009-2010)	groups in specific disability categories that are the result of inappropriate identification.
2010 (2010-2011)	0% of districts will have disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.

**Improvement Activities/Timelines/Resources: new indicator**

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / Child Find**

**Indicator 11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

**Percent = b + c divided by a times 100.**

**Overview of Issue/Description of System or Process:**

Currently, districts gather data through student file reviews during the Continuous Improvement Monitoring Plan self assessment process. Their data collection includes:

- Number of initial evaluations conducted following receipt of parental consent
- Number of evaluations completed within 25 school day timeline
- Number of Eligibility/IEP meetings within 30 calendar days of receipt of last evaluation report.

This data is validated through on site monitoring visits.

Upon finalization of IDEA 2004 regulations, South Dakota will amend the Administrative Rules of South Dakota to determine eligibility within 60 days of receiving parental consent for initial evaluation.

It was South Dakota's intent to have all districts record the following data on the SIMS: Date Initial Consent Received, Date of Eligibility Determination, and the Eligibility of the Student. Due to the fact that the programmer for our Student Information Management System has just resigned, South Dakota is prepared to collect data for this indicator through two different

means in order for Special Education Programs to ensure it is able to get the information from the districts for the current school year. Special Education Programs will ask districts to submit annually by June 30<sup>th</sup> the following information:

- Number of children for whom parental consent to evaluate was received for initial evaluation
- Number of children **not** determined eligible whose initial evaluations and eligibility determinations were completed within 60 days
- Number of children determined eligible whose initial evaluations and eligibility determinations were completed within 60 days
- A narrative explanation for children whom consent to evaluate was received but initial evaluation or determination was not completed
- Range of days beyond the timeline when initial eligibility was determined (less than 5, 5-10, over 10 days)
- A narrative explanation of any reasons for the delays

If this information can be submitted through the SIMS system, districts will have that option. Otherwise, districts will submit this information directly to Special Education Programs through a state required form.

During Special Education Programs data retreat July 2006, district information will be analyzed in order to flag districts that have overdue evaluations.

- Using district provided information, Special Education Programs will diagnose why the district is showing overdue initial evaluations.
- If a district is showing overdue initial evaluations the first year, the district will need to review district data including policies, procedures and practices in referral, evaluation and eligibility determination.
- If a district shows two consecutive years of significant overdue initial evaluations the district will be found out of compliance and a corrective action plan will be developed between the district and Special Education Programs.
- The district will have 12 months to correct noncompliance.

#### **Baseline Data for FFY 2004 (2004-2005):**

Baseline data will be provided in the FFY 2005 APR due February 1, 2007.

#### **Discussion of Baseline Data:**

Discussion of baseline data will be provided in the FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 % of children with parental consent for initial evaluation, will be evaluated and eligibility determined within 60 days
2006 (2006-2007)	100 % of children with parental consent for initial evaluation, will be evaluated and eligibility determined within 60 days

2007 (2007-2008)	100 % of children with parental consent for initial evaluation, will be evaluated and eligibility determined within 60 days
2008 (2008-2009)	100 % of children with parental consent for initial evaluation, will be evaluated and eligibility determined within 60 days
2009 (2009-2010)	100 % of children with parental consent for initial evaluation, will be evaluated and eligibility determined within 60 days
2010 (2010-2011)	100 % of children with parental consent for initial evaluation, will be evaluated and eligibility determined within 60 days

**Improvement Activities/Timelines/Resources: new indicator**

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

**Account for children included in a but not included in b or c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.**

**Percent = c divided by a – b times 100.**

**Overview of Issue/Description of System or Process:**

The Department of Education as lead agency for Part C funds nine local programs with 22 service coordinators who are responsible for specific counties, contract for service coordination at the local level to conduct child find, arrange for evaluations and develop Individual Family Service Plans (IFSPs). Part C services are delivered by qualified personnel, for example community based agencies, school districts, and private contractors.

The transition from Part C to Part B starts when the child is two and a half years old. Service coordinators will make a written referral to school districts for the purpose of evaluations to determine eligibility. Local school districts conduct evaluations and determine eligibility for children who are referred from Part C to Part B preschool in cooperation with the local service coordinator. The school district initiates the evaluation process following all procedural safeguards.



**Transition to preschool program.** Each local school district shall develop policies and procedures for the transition of children participating in the early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA) who are eligible for participation in preschool programs under Part B of IDEA.

Each district's policies and procedures must include the following:

- (1) A description of how the families will be included in the transitional plans;
- (2) Procedures to be used by the district for notifying the local network in which the child resides of the need for transitional planning;
- (3) Procedures for convening, with the approval of the family, a conference between the network, family, and district;
- (4) A requirement for convening the conference at least 90 days before the child is eligible for the preschool program under Part B of Individual with Disabilities Education Act; and
- (5) Procedures for reviewing a child's program options for the period beginning with the day a child turns three and running through the remainder of the school year including the development of an individual education program consistent with this article.

Each district shall participate in transition planning conferences arranged by the IDEA, Part C program.

The district shall provide the family with information on the eligibility and evaluation requirements under Part B of Individual with Disabilities Education Act, including the parents' and district's rights regarding procedural safeguards.

**Baseline Data for FFY 2004 (2004-2005):**

a. # of children who have been served in Part C and referred to Part B for eligibility determination

N = 583

b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays

N = 135

c. # of those found eligible who have an IEP developed and implemented by their third birthdays

N = 401

90 % of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

N = 90%

**Discussion of Baseline Data:**

Monitoring Priority: Effective General Supervision Part B Effective Transition Indicator #12		
Exiting Part C Programs	Measurement	2004-2005
Total Exits of 3 year olds	a. # of children who have been served in Part C and referred to Part B for eligibility determination.	583
Part B ineligible	b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays	135
Part B eligible (on an IEP by 3rd birthday)	c. # of those found eligible who have an IEP developed and implemented by their third birthdays.	401
Percent = c divided by a-b times 100.		90%

Eligibility testing for Part B preschool is offered to all parents transitioning out of Part C. Out of the 583 children served in Part C and referred to Part B for eligibility determination 38 were not determined eligible by their third birthday. Parents refused Part B services for 9 more children. South Dakota has had a steady increase in the number of students served in Part C and referred to Part B for eligibility determination. South Dakota also had a large increase in the number of children who were determined not eligible.

In an effort to ensure that children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthday Special Education Programs has appointed a Part B 619 coordinator to work with Birth to 3 Connections staff on this important issue. In order to determine if noncompliance exists, further investigation is needed on the 38 children whose determination was not completed by their third birthday.

- A report has been developed indicating which children are exiting Part C so the Part B 619 coordinator can be in contact with district personnel that are not getting eligibility determination completed by the child's third birthday.
- An inquiry request is being developed to obtain information from district personnel to determine what valid and invalid reasons why an IEP was not in place by the child's third birthday.
- The Part B 619 Coordinator along with the Special Education Program regional staff will analyze the district information to determine if a finding needs to be issued to the district
- Districts with valid reasons why an IEP was not in place by the child's third birthday will not receive a finding.
- A letter will be sent to districts indicating that Special Education Programs has issued a finding of noncompliance.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2006 (2006-2007)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2007 (2007-2008)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2008 (2008-2009)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2009 (2009-2010)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.
2010 (2010-2011)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.

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**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Special education eligibility guide will be updated to include the necessary evaluations for those students transitioning from Part C to Part B.</li> </ul>	Summer 2006	Special Education Program staff, Birth to 3 Connections, eligibility task force, Mountain Plains Regional Resource Center, Special Education Program consultant
<ul style="list-style-type: none"> <li>Continue to develop greater communication between Part B and Part C staff.</li> <li>Find ways for staff to coordinate activities and monitor effective transition from Part C to Part B.</li> </ul>	2006 and on going through 2011	Special Education Program staff, Part C staff
<ul style="list-style-type: none"> <li>Develop a Technical Assistance guide for districts addressing students transitioning from Part C to Part B.</li> </ul>	Fall 2006	Special Education Program staff, Part C staff, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Part C staff will collect data monthly for all children who are Part B eligible, but who did not have an IEP in place by their third birthday.</li> <li>Part B 619 coordinator will contact districts to find out the reason for the IEP not being in</li> </ul>	January 2006 through 2011	Part C staff, Part B 619 Coordinator, district staff

place by the child's third birthday.		
<ul style="list-style-type: none"> <li>Part B 619 coordinator will compile district information to determine valid and invalid reasons for the IEP not in place by the child's third birthday.</li> </ul>	February 2006 and on going through 2011	Part B 619 Coordinator, district staff, Early Childhood Outcomes Center, Special Education Program Staff

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.**

**Overview of Issue/Description of System or Process:**

Currently the state of South Dakota is on a five year monitoring cycle (approximately 30-35 school districts per year). Monitoring activities in the area of transition include assessment, outcomes, present levels of performance, course of study, team membership, activity recommendations, transition goals, graduation requirements, transfer of rights, and overall coordination of transition activities. South Dakota's current definition of coordinated activities is: "activities that reflect coordination between the school, the student, the family or other agencies, and post school programs, services, and supports that are based on the individual student's needs, preferences, and interests". Special Education Programs along with Transition Liaison Project staff will update the transition portion of the IEP and the Continuous Improvement Monitoring Process to more adequately include this monitoring priority.

South Dakota will collect data from state monitoring to determine the percent of youth aged 16 and above with an Individualized Education Program (IEP) that includes measurable, postsecondary goals (that are based on age-appropriate assessment) and coordinated transition services (which by definition includes courses of study) that will reasonably enable the student to meet their postsecondary goals.

Transition Liaison Project staff with the assistance of Education Specialists will collect the monitoring data for indicator 13 while completing onsite monitoring visits during the 2005-2006 school year. All districts will have an onsite monitoring visit at least once during South

Dakota's five year cycle. In order to ensure that a representative group of districts are chosen each year, South Dakota has determined that each monitoring year the following criteria will need to be met:

- Each year school districts representing large, medium and small districts will be monitored
- Representation will cover all areas of the state each year
- Rural and populated districts will be represented each year

**Baseline Data for FFY 2004 (2004-2005):**

New Indicator: Base line and targets to be provided in FFY 2005 APR due February 1, 2007.

**Discussion of Baseline Data:**

New Indicator: Base line to be provided in FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2006 (2006-2007)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2007 (2007-2008)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2008 (2008-2009)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2009 (2009-2010)	Targets will be set after baseline data is collected for the February 1, 2007 APR.
2010 (2010-2011)	Targets will be set after baseline data is collected for the February 1, 2007 APR.

**Improvement Activities/Timelines/Resources: new indicator**



**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.**

**Overview of Issue/Description of System or Process:**

Currently, South Dakota does not have a system in place to collect data required by indicator 14. Special Education Programs has been collaborating with Black Hills State University to develop a system for tracking post school outcomes. The National Post-School Outcomes Center has also been providing guidance and technical assistance.

Special Education Programs has decided to set up a post school outcomes database. This database will contain student contact information and exit survey information. Special Education Programs, Black Hills State University, and Districts will have access to this information via a secured website. Data will be gathered and analyzed at the state and local levels.

Black Hills State University and Special Education Programs are currently developing an exit survey which will be included in the database. This exit survey will be utilized between April and June of 2006 for the first time. The survey will be distributed to all special education directors in the state public school system. Special education teachers who have students on Individual Education Programs (IEPs) that are leaving school will complete the survey which includes demographic information to assist Black Hills State University in contacting students within one year of leaving high school. Special education teachers will input the information into the secure web based data system upon completion.

The student contact information entered through the database will be used for contacting individuals to obtain data within one year of leaving high school. Black Hills State University and Special Education Programs, with the help of the National Post-School Outcomes Center, is currently developing a survey to collect this information. Black Hills State University will collect this survey data through phone calls. Emails and letters may also be used if needed. Attempts will be made to contact each student who exited. The number of attempts made and how these attempts are made (i.e. phone call, email, or letter) has not been determined at this point. This decision will be made prior to Jan 2007.

South Dakota has also defined “competitive employment” as “students employed in community based employment at or above minimum wage”. This definition does not contain requirements for number of hours worked per week. It also is the same definition that is used by the South Dakota Department of Human Services. South Dakota will also define “enrolled” and “post secondary school” prior to January 2007. These definitions will help with the one year after leaving high school data which will be collected April- June 2007.

Because of our state population, South Dakota has decided to collect data on all special education students leaving high school each year. This will allow for larger numbers of students and will provide more accurate data. A status report on the results of the exit survey of students leaving in the school year 2005-2006 will be provided in the February 1, 2007 APR.

#### **Baseline Data for FFY 2004 (2004-2005):**

New Indicator: Base line and targets to be provided in FFY 2006 APR due February 1, 2008.

#### **Discussion of Baseline Data:** New Indicator

FFY	Measurable and Rigorous Target
2005 (2005-2006)	A status report on the results of the exit survey of students leaving in the school year 2005-2006 will be provided in the February 1, 2007 APR.
2006 (2006-2007)	Base line and targets to be provided in FFY 2006 APR due February 1, 2008.
2007 (2007-2008)	Base line and targets to be provided in FFY 2006 APR due February 1, 2008.
2008 (2008-2009)	Base line and targets to be provided in FFY 2006 APR due February 1, 2008.
2009 (2009-2010)	Base line and targets to be provided in FFY 2006 APR due February 1, 2008.
2010	Base line and targets to be provided in FFY 2006 APR due February 1, 2008.

(2010-2011)	
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**Improvement Activities/Timelines/Resources: new indicator**

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.**

(20 U.S.C. 1416 (a)(3)(B))

**Measurement:**
**A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:**

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

**Percent = b divided by a times 100.**

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.**

**B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:**

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

**Percent = b divided by a times 100.**

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.**

**C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:**

- a. # of agencies in which noncompliance was identified through other mechanisms.
- b. # of findings of noncompliance made.
- c. # of corrections completed as soon as possible but in no case later than one year from identification.

**Percent = c divided by b times 100.**

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.**

#### **Overview of Issue/Description of System or Process:**

South Dakota is on a five year monitoring cycle where 1/5<sup>th</sup> of the school districts are monitored annually. This involves approximately 35 districts per year.

Currently, South Dakota's monitoring revolves around six principles. Principle 1 General Supervision has seven sub-categories: child find, referral procedures, Children voluntarily enrolled by parents in private schools, students placed by the school district in private schools, improving results through performance goals and indicators, suspension and expulsion rates, personnel and professional development. Principle 2 Free Appropriate Public Education has two sub-categories: FAPE and suspension/expulsion. Principle 3 has five sub-categories: comprehensive evaluation, written Notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, and reevaluation and continuing eligibility. Principle 4 has six sub-categories: procedural safeguards notice, surrogate parents, consent, confidentiality and access to records, complaint procedures, and due process hearings. Principle 5 Individual Education Program five has sub-categories: IEP team, written notice for IEP meeting, IEP content, transition, and other IEP requirements. Principle 6 Least Restrictive Environment is its own category.

School districts are notified nine months to a year prior to be monitored. Special Education Programs has an annual December training where districts send in three to four staff members who are a part of the school's special education services program and possible members of the steering committee. At the training districts learn who their team leaders are and get an overview of the monitoring process. Team leaders are educational specialists who contract with South Dakota Special Education Programs. The team leaders set up pre-onsite visits with each district to help prepare the school for the next year's onsite monitoring visit. The education specialists will conduct an IEP file review with each special education and related service provider at the pre-onsite visit. They are also available for any questions during the Continuous Improvement Monitoring Process and district Self-Assessment. The education specialists will spend a minimum of one day with each district in preparation for the onsite monitoring visit.

In preparing to monitor districts, Special Education Programs provides each district that is to be monitored a set of state data tables which include the following: general district information, district instructional staff information, suspension and expulsion information, statewide assessment information, enrollment information, placement alternatives, disabling conditions, exiting information, placement by age, placement by disabling condition, early intervention (Part C) exit information, complaints, hearings, and monitoring. The district uses the data tables to complete their self assessment. The self assessment and data tables are reviewed by educational specialists who are assigned to certain districts as team leaders.

After a school has been monitored the team leader writes a district report and sends it for review to Special Education Programs. Special Education Programs either approves or disapproves the report; if the report is disapproved it is sent back to the team leaders, corrected and then approved. Once the report has been approved, a copy is sent to the district and the team

leader. If necessary, the district and team leader work together to write an Improvement Plan Progress Report (IPPR). Once the Improvement Plan Progress Report is written it is sent to Special Education Programs for approval. After the Improvement Plan Progress Report is approved the district has 6 months to correct noncompliance before the first Improvement Plan Progress Report is due. Any noncompliance issues unmet after the 6 month Improvement Plan Progress Report move to the 12 month Improvement Plan Progress Report. At the 12 month Improvement Plan Progress Report districts are expected to be in compliance. Through Office of Special Education Program's clarification on what constitutes one year, Special Education Programs will begin the 12 month timeline as soon as districts are notified of findings of noncompliance instead of after the approval of the Improvement Plan Progress Report. Previously, Special Education Programs did not count the summer months as part of the year in which districts have to complete out of compliance issues. This will be corrected for the current monitoring cycle.

South Dakota had a staff of 1 director and 3 regional staff representatives in 2003-2004. This number is half of a full staff for Special Education Programs. The 3 Special Education Programs staff was regional representatives. They answered daily technical assistance questions via phone calls and email for 1/3 of the state's school districts, participated in complaint investigations, participated in onsite compliance monitoring, prepared presentations for state conferences as well as district requested presentations, sat on various boards in the state, and worked on special projects. One of the Special Education Programs staff monitoring duties is to review the Improvement Plan Progress Report (IPPR) at the six month due date and notify the district, by letter, which areas were accepted as being met and which areas still need to be met. Once all findings of non-compliance have been met, Special Education Programs notified the district by mail that all areas in the Improvement Plan Progress Reports had been satisfactorily met.

South Dakota will conduct data review's to incorporate the new indicators within the current monitoring system for the year 2005-2006. Any district with noncompliance findings occurring from the data review will warrant further in-depth review by Special Education Programs. South Dakota has formed a partnership with the National Center for Special Education Accountability Monitoring to help analyze data and to explore focused monitoring areas. South Dakota intends to modify the current monitoring system after the five year cycle is complete (2006-2007).

In an effort to ensure that districts are in compliance within one year after the issuance of the monitoring report, Special Education Programs will begin having districts send in their progress reports at four months, eight months and twelve months. Special Education Programs staff will have regular contact with districts between the eighth month and the twelfth month in order to assure compliance within one year. Summer months will be counted as part of the twelve month cycle.

With the assistance of our partner, the National Center for Special Education Accountability Monitoring, South Dakota will develop their Continuous Improvement Monitoring Process to include a focused monitoring piece. This focused piece will include some of the monitoring priority indicators. Priority areas will need to be established based upon a district's level of compliance and greatest need.

South Dakota will continue to address findings of noncompliance through the self-assessment tool, onsite monitoring, data review and the Improvement Plan Progress Report. Districts will continue to identify their own noncompliance findings during the self-assessment process. Onsite monitoring will either validate or not validate the district's compliance and noncompliance

issues. Education Specialists will continue to assist the districts in developing their Improvement Plan Progress Report based on any noncompliance issues from the onsite monitoring as well as data reviews completed by Special Education Program staff. The districts will complete all noncompliance monitoring findings within one year from the date of notification.

**Baseline Data for FFY (2003-2004 Monitoring year) 2003:**

- A. 80% of noncompliance made related to monitoring priority areas and indicators corrected within one year of identification:
- a. number of findings of noncompliance made related to monitoring priority areas and indicators      a. = 306
- b. number of corrections completed as soon as possible but in no case later than one year from identification      b. = 245
- B. 0% of noncompliance related to areas not included in the above priority areas and indicators corrected within one year of identification:
- a. number of findings of noncompliance made related to such areas      a. = 0
- b. number of corrections completed as soon as possible but in no case later than one year from identification      b. = 0
- C. 0% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:
- a. number of agencies in which noncompliance was identified through other mechanisms  
a. = 0
- b. number of findings of noncompliance made      b. = 0
- c. number of corrections completed as soon as possible but in no case later than one year from identification      c. = 0

**Discussion of Baseline Data:**

	# of findings of Noncompliance	# of Corrections W/I 1 Yr.	% of Corrections W/I 1 Yr.
2003-2004			
<b>Referral/Evaluation/Eligibility/Placement</b>	165	136	82%
<b>Procedural Safeguards</b>	10	9	90%
<b>IEP</b>	127	98	77%
<b>Least Restrictive Environment</b>	4	2	50%
Total	306	245	80%

- South Dakota Special Education Programs monitored 34 districts in 2003-2004. In those 34 districts monitored there were 306 findings of noncompliance. 245 findings were corrected within 12 months of the approval of the district's Improvement Plan Progress

Report. Of the remaining 61 findings, 27 findings were corrected by the time this State Performance Plan was submitted and the remaining 34 findings will be corrected by the end of December 2005.

- 23 of the 34 districts corrected their noncompliance findings within 12 months of the approval of the districts Improvement Plan Progress Report. Of the remaining 11 districts, 7 districts corrected their noncompliance findings by the time this State Performance Plan was submitted. The remaining 4 districts will be closed by the end of December 2005.
- 80% of South Dakota's findings of noncompliance were corrected within 12 months.
- South Dakota does have policies and procedures in place for districts that address noncompliance.
- Some of the technical assistance that Special Education Programs have provided includes onsite workshops and trainings for district special education staff, assisting district personnel in updating forms and district procedures, and access to education specialists and transition liaison personnel.

Special Education Programs has studied the data and has identified the following:

- South Dakota Special Education Programs has determined that losing half of the Special Education Programs staff was a significant barrier for the 2003-2004 and 2004-2005 school years. With only 3 staff people to complete the Improvement monitoring and subsequent follow-through on progress, Special Education Programs found it difficult to keep up with the Improvement Plan Progress Report timelines as well as complete all other required duties. As of September 2005 Special Education Programs is now fully staffed. Special Education Programs has 1 director and 6 program staff. Having a full staff will help to ensure that Improvement Plan Progress Report timelines are followed.
- Some districts have such a small student population they were not able to complete some of the noncompliance issues within the 12 month timeframe because they may not have had another student to show they were completing the process accurately. An example of this may be in the area of procedural safeguards: a student and parent must be informed of transfer of parental rights one year before the student turns 18. A district may not have another student who is turning 17 within the 12 month timeframe. In the future, South Dakota will ensure that all evidence of change will be required to be completed within one year. To ensure districts being able to close out in 12 months, Special Education Programs will have districts review, revise and implement their policies and procedures to show evidence of change.
- The monitoring timeline did not start until the Improvement Plan Progress Report was approved by Special Education Programs. This timeline will change for the current monitoring cycle. The 12 month timeline will begin as soon as districts receive the letter from Special Education Program stating the areas of noncompliance. This will require Education Specialists, district special education directors, and Special Education Program staff to work quickly to complete the district's Improvement Plan Progress Report within 12 months of receiving the letter of identified noncompliance. Special



Education Programs will implement this through OSEPs clarifications on what constitutes a year.

- The monitoring timeline did not include the summer months because no schools were in session during this time. South Dakota will now include summer months within the 12 month timeline.
- South Dakota is looking at the current monitoring data Special Education Programs collects in order to find ways to focus our monitoring efforts related to the Part B SPP/APR Monitoring Priorities and Indicators. Special Education Programs will be using the Office of Special Education Programs (OSEP) document Part B Monitoring Related Requirements and Investigative Questions Table as well as our National Center for Special Education Accountability Monitoring (NCSEAM) partner to assist with this process.

Statewide and local monitoring data will be reviewed so that technical assistance is aligned with systemic issues identified through monitoring

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of noncompliance completed within one year
2006 (2006-2007)	100% of noncompliance completed within one year
2007 (2007-2008)	100% of noncompliance completed within one year
2008 (2008-2009)	100% of noncompliance completed within one year
2009 (2009-2010)	100% of noncompliance completed within one year
2010 (2010-2011)	100% of noncompliance completed within one year

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Formed a partnership with National Center for Special Education Accountability Monitoring</li> </ul>	September 2005	Special Education Program staff, Educational Specialists, Transition Liaison Project staff, National Center for Special Education Accountability Monitoring, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Notify all monitored districts that all noncompliance issues must be completed within one year</li> </ul>	January 2006	Special Education Program staff, Educational Specialists, Transition Liaison Project staff
<ul style="list-style-type: none"> <li>Partner with NCSEAM to facilitate analyzing state monitoring data</li> </ul>	July 2006	Special Education Program staff, Educational Specialist, Transition Liaison Project staff, National Center for Special Education Accountability Monitoring, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Revise current monitoring system to include all indicators and noncompliance areas identified through other mechanisms (complaints, due process hearings, mediations, etc.)</li> </ul>	August 2006	Special Education Program staff, Educational Specialist, Transition Liaison Project staff, National Center for Special Education Accountability Monitoring, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Develop new forms for tracking Monitoring data, Improvement Plan Progress Report data, &amp; district correspondence.</li> <li>SEP staff will input Improvement Plan Progress Report dates into their calendar and will complete Improvement</li> </ul>	August 2006	Special Education Program staff, Educational Specialist, Transition Liaison Project staff

## SPP Template – Part B (3)

## South Dakota State

Plan Progress Report follow-up as scheduled.		
<ul style="list-style-type: none"> <li>Training to districts on revised monitoring system</li> </ul>	December 2006 and annually through 2011	Special Education Program staff, Educational Specialist, National Center for Special Education Accountability Monitoring, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Review and revise monitoring process including the representative distribution based on size, location, and student population.</li> </ul>	September 2006	Special Education Program staff, Educational Specialist, National Center for Special Education Accountability Monitoring, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Require technical assistance to all districts/agencies that are not close to compliance by their eighth month Improvement Plan Progress Report.</li> <li>Include policies and procedures for noncompliance as part of Technical Assistance.</li> </ul>	2006 and ongoing through 2011	Special Education Program staff, Educational Specialist, Transition Liaison Project staff
<ul style="list-style-type: none"> <li>Look at implementing incentives for districts/agencies that close out at 4 months and 8 months.</li> </ul>	2006 and ongoing through 2011	Special Education Program staff, Educational Specialist, Transition Liaison Project staff

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100.**

**Overview of Issue/Description of System or Process:**

South Dakota uses the following procedures to respond to signed written complaints. The procedures will be revised pending final Part B regulations.

A complaint is a written signed statement by an individual or organization, including a complaint filed by an individual or organization from another state containing a statement that the state education agency or a school district has violated a requirement of federal or state statutes or regulations that apply to a program and a statement of the facts on which the complaint is based.

In resolving the complaint in which the State Special Education Programs has found a failure to provide appropriate services, the State Special Education Programs, pursuant to its general supervisory authority under Part B of the IDEA, must address:

1. How to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and
2. Appropriate future provision of services for all children with disabilities.

The secretary of the Department of Education appoints a complaint investigation team from the State Special Education Programs. The team may conduct an on-site investigation if it determines that one is necessary. The complaint team shall give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint. The complaint team makes a recommendation to the secretary, and after reviewing all relevant information, the secretary shall determine whether the complaint is valid.

The secretary shall submit a written report of the final decision to all parties involved, including findings of fact, conclusions, and reasons for final decision.

All complaints must be resolved within 60 calendar days after the receipt of the complaint by the secretary as stated in this section. An extension of the 60 day time limit may be granted only if exceptional circumstances exist with respect to a particular complaint. This section does not limit any other rights to appeals, including appeal to the state board; however, these appeals may not be used for delay or to extend time limits.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the State Special Education Programs must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in this section.

If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

1. The hearing decision is binding; and
2. The State Special Education must inform the complainant to that effect.

A complaint alleging a district's failure to implement a due process hearing decision must be resolved by the State Special Education Program

#### **Baseline Data for FFY 2004 (2004-2005): Data collected on Attachment 1**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	0
(1.1) Complaints with reports issued	0
(a) Reports with findings	0
(b) Reports within timeline	0
(c) Reports within extended timelines	0
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

#### **Discussion of Baseline Data:**

South Dakota received no signed, written complaints for FFY 2004. South Dakota Special Education Programs, South Dakota Parent Connection and South Dakota Advocacy services work very hard to make sure parents have information on all areas of educating their child with a disability including knowledge of procedural safeguards. A very active training program for parents of children with disabilities is Partners in Policy Making. Partners in Policymaking is an innovative leadership and advocacy training opportunity designed to involve and empower people with developmental disabilities, parents of children with disabilities and other family members. It requires a serious commitment by each participant during the course of the training, as well as after graduation. The expectation is that each Partner will commit to actively use the

skills learned to encourage positive changes in the areas of community awareness, sensitivity, accessibility, and inclusion for people with disabilities. Over 225 individuals have graduated from Partners in Policymaking in South Dakota since the program began in the fall of 1992. An added benefit of the training is that graduates assist others with the knowledge they have gained.

Special Education Programs in partnership with South Dakota Parent Connection have also established the Navigator Program. The purpose of the South Dakota Navigator Program is to provide individualized technical assistance, information, and support services to families and educators caring for children with special education needs. A Navigator Program Coordinator will organize and manage these activities and oversee the “Peer Navigators” located in each of the seven Educational Services Areas (ESAs) as defined by the South Dakota Department of Education. These “Peer Navigators” are recruited from such areas as Partners in Policymaking graduates, experienced educators, and recently retired educational administrators. Goals of the program include:

- Improve family-school collaboration
- Provide an additional mechanism for conflict-resolution at a local level
- Provide resources for educators and parents in areas of technical assistance and leadership development
- Promote the knowledge of benefits derived from increased family involvement to school personnel

Resulting in productive IEP meetings and promoting respectful interactions between families and school personnel in order to make the best decisions regarding each student’s educational program. South Dakota Parent Connection also answers between 200 – 300 calls monthly and has a web-based bulletin board for parents to post questions and get answers.

Special Education Programs feels that because of the efforts of Special Education Programs, South Dakota Parent Connection and South Dakota Advocacy South Dakota parents become better informed each year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extension for exceptional circumstances.
2006 (2006-2007)	100% of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extension for exceptional circumstances.
2007 (2007-2008)	100% of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extension for

	exceptional circumstances.
2008 (2008-2009)	100% of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extension for exceptional circumstances.
2009 (2009-2010)	100% of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extension for exceptional circumstances.
2010 (2010-2011)	100% of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extension for exceptional circumstances.

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>South Dakota Special Education Programs staff will review all procedures for conducting complaint investigations.</li> <li>Training and technical assistance is provided to ensure complaint investigators follow the procedural requirements under IDEA.</li> </ul>	2006 and ongoing through 2011	Special Education Programs staff, MPRRC Contracted Complaint Investigators
<ul style="list-style-type: none"> <li>The complaint investigation handbook will be updated following IDEA 2004 final regulations.</li> </ul>	Summer 2006	Special Education Programs staff, MPRRC
<ul style="list-style-type: none"> <li>A protocol will be maintained by Special Education Programs to</li> </ul>	2006 and ongoing through 2011	Special Education Programs staff

ensure timelines and procedures are followed for complaint investigations.		
<ul style="list-style-type: none"> <li>The state agency will contract with a regional resource Center in the development of a system of complaint investigators who will contract with the state agency to facilitate complaint investigations.</li> </ul>	2006 and ongoing through 2011	Special Education Programs staff, MPRRC staff
<ul style="list-style-type: none"> <li>Update and disseminate Special Education Programs website and complaint investigation manual.</li> </ul>	2006 and ongoing through 2011	Special Education Programs staff, MPRRC, Parent Connections
<ul style="list-style-type: none"> <li>Partner with Parent Connections to provide training and materials for parent procedural safeguard workshops.</li> </ul>	2007 and ongoing through 2011	Special Education Programs staff, MPRRC, Parent Connections



**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100.**

**Overview of Issue/Description of System or Process:**

South Dakota data reflects that the general supervision procedures for due process hearings identify and correct noncompliance in a timely manner. The limited number of hearings also indicates the State uses the system effectively to ensure the provision of appropriate services to students in need of special education. Procedures will be revised pending final IDEA 2004 language.

The district must have procedures that require either party, parent or district, or the attorney representing a party, to provide to the other party a due process complaint (which must remain confidential).

The party filing a due process complaint must forward a copy of the due process complaint to the State Special Education Programs.

The due process complaint notice must include:

1. The name of the child;
2. The address of the residence of the child;
3. The name of the school the child is attending;
4. In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;
5. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to the party at the time.

The State Special Education Programs has developed a model form to assist parents in filing a compliant and due process complaint notice.

A party, parent or district, may not have a hearing on a due process complaint or engage in a resolution session until the party, or the attorney representing the party, files a due process complaint that meets the requirements of this section.

The due process complaint required by this section must be deemed sufficient unless the party, parent or district, receiving the due process complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process complaint, that the receiving party believes the due process complaint does not meet the requirements of this section.

Within five days of receipt of the above notification, the hearing officer must make a determination on the face of the due process complaint of whether the due process complaint meets the requirements of this section, and must immediately notify the parties in writing of that determination.

A party may amend its due process complaint only if:

1. The other party consents in writing to the amendment and is given the opportunity to resolve the due process complaint through a resolution session; or
2. The hearing officer grants permission, except that the hearing officer may only grant permission to amend at any time not later than five days before the due process hearing begins.

The applicable timeline for a due process hearing under Part B shall recommence at the time the party files an amended notice, including the timeline for a resolution session.

If the district has not sent a prior written notice under Part B of IDEA to the parent regarding the subject matter contained in the parent's due process complaint, the district must, within 10 days of receiving the due process complaint, send to the parent a response that includes:

1. An explanation of why the district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that the IEP Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the district's proposed or refused action.

A response by a district under this section shall not be construed to preclude the district from asserting that the parent's due process complaint was insufficient, where appropriate.

Except as provided above, the party receiving a due process complaint must, within 10 days of receiving the due process complaint, send to the other party a response that specifically addresses the issues raised in the due process complaint.

The parent or the school district may initiate a hearing on any matters relating to the identification, evaluation or educational placement of a child or the provision of a free appropriate public education to a child.

The party, parent or district, requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process complaint unless the other party agrees otherwise.

When a hearing is initiated, the district shall inform the party of the availability of mediation. If the parent is requesting a hearing or requests information on any free or low-cost legal services, the district shall inform the parent of it and any other relevant services available in the area.

A parent or district must request an impartial hearing on their due process complaint within two years of the date the parent or district knew or should have known about the alleged action that forms the basis of the due process complaint, or if the State has an explicit time limitation for requesting such a due process hearing under Part B of IDEA, in the time allowed by State law.

The timeline described above does not apply to a parent if the parent was prevented from filing a due process complaint due to:

1. Specific misrepresentations by the district that it had resolved the problem forming the basis of the due process complaint; or
2. The district's withholding of information from the parent that was required under Part B of IDEA to be provided to the parent.

At a minimum, a hearing officer:

1. Must not be:
  - a. An employee of the State Department of Education or the district that is involved in the education or care of the child; or
  - b. A person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
2. Must possess knowledge of, and the ability to understand, the provisions of IDEA, Federal and State regulations pertaining to IDEA, and legal interpretations of IDEA by Federal and State courts;
3. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
4. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

A person who otherwise qualifies to conduct a hearing under this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer. The State Special Education Programs and district shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

Any party to a hearing has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

2. Present evidence and confront cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing;
4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; and
5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions.

At least 5 business days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

A hearing officer may bar any party that fails to comply with the disclosure requirements of this section from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

A parent involved the hearings, have the right to:

1. Have the child who is the subject of the hearing present; and
2. Open the hearing to the public.

Subject to this section, a hearing officer must make a decision on substantive grounds based on a determination of whether the child received a FAPE.

In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies:

1. Impeded the child's right to a FAPE;
2. Significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a FAPE to the parents' child; or
3. Caused a deprivation of educational benefit.

Nothing in this section shall be construed to preclude a hearing officer from ordering a district to comply with procedural requirements in this document.

Nothing in this section shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

The record of the hearing and the findings of fact and decisions must be provided at no cost to the parent.

The State Special Education Programs, after deleting any personally identifiable information, shall transmit the findings and decisions to the State advisory panel, and make those findings and decisions available to the public.

A decision made in a hearing is final, except that any party involved in the hearing may appeal the decision through civil action.

The State Special Education Programs and district shall ensure that not later than 45 days after the expiration of the 30 day period regarding a resolution session:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

**Baseline Data for FFY 2004 (2004-2005): data collected on Attachment 1**

SECTION C: Hearing requests	
(3) Hearing requests total	3
(3.1) Resolution sessions	
(a) Settlement agreements	NO 04-05 DATA
(3.2) Hearings (fully adjudicated)	0
(a) Decisions within timeline	0
(b) Decisions within extended timeline	0
(3.3) Resolved without a hearing	3

  

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	0
(4.1) Resolution sessions	NO 2004-2005 DATA
(a) Settlement agreements	NO 2004-2005 DATA
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

**Discussion of Baseline Data:**

Special Education Programs received 3 due process hearing complaints during the 2004-2005 year. One was dismissed due to the fact that the family left the state before the hearing could take place. Two process hearing complaints were successfully mediated.

South Dakota has a history of limited due process hearings and a strong commitment to resolution before litigation. South Dakota remains at 100% in fully adjudicating due process hearings within the timeline. South Dakota Parent Connection and South Dakota Advocacy services work very hard to make sure parents have information on all areas of educating their child with a disability including knowledge of procedural safeguards. A very active training program for parents of children with disabilities is Partners in Policy Making. Partners in Policymaking is an innovative leadership and advocacy training opportunity designed to involve and empower people with developmental disabilities, parents of children with disabilities and other family members. It requires a serious commitment by each participant during the course of the training, as well as after graduation. The expectation is that each Partner will commit to actively use the skills learned to encourage positive changes in the areas of community awareness, sensitivity, accessibility, and inclusion for people with disabilities. Over 225 individuals have graduated from Partners in Policymaking in South Dakota since the program began in the fall of 1992. An added benefit of the training is that graduates assist others with the knowledge they have gained.

Special Education Programs in partnership with South Dakota Parent Connection have also established the Navigator Program. The purpose of the South Dakota Navigator Program is to provide individualized technical assistance, information, and support services to families and educators caring for children with special education needs. A Navigator Program Coordinator will organize and manage these activities and oversee the “Peer Navigators” located in each of the seven Educational Services Areas (ESAs) as defined by the South Dakota Department of Education. These “Peer Navigators” are recruited from such areas as Partners in Policymaking graduates, experienced educators, and recently retired educational administrators. Goals of the program include:

- Improve family-school collaboration
- Provide an additional mechanism for conflict-resolution at a local level
- Provide resources for educators and parents in areas of technical assistance and leadership development
- Promote the knowledge of benefits derived from increased family involvement to school personnel

Resulting in productive IEP meetings and promoting respectful interactions between families and school personnel in order to make the best decisions regarding each student’s educational program. South Dakota Parent Connection also answers between 200 – 300 calls monthly and has a web-based bulletin board for parents to post questions and get answers.

Special Education Programs feels that because of the efforts of Special Education Programs, South Dakota Parent Connection and South Dakota Advocacy South Dakota parents become better informed each year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of due process hearings will be completed within the 45-day timeline, or have documentation of a timeline extended for exceptional purposes.
2006 (2006-2007)	100% of due process hearings will be completed within the 45-day timeline, or have documentation of a timeline extended for exceptional purposes.
2007 (2007-2008)	100% of due process hearings will be completed within the 45-day timeline, or have documentation of a timeline extended for exceptional purposes.
2008 (2008-2009)	100% of due process hearings will be completed within the 45-day timeline, or have documentation of a timeline extended for exceptional purposes.
2009	100% of due process hearings will be completed within the 45-day timeline, or

(2009-2010)	have documentation of a timeline extended for exceptional purposes.
2010 (2010-2011)	100% of due process hearings will be completed within the 45-day timeline, or have documentation of a timeline extended for exceptional purposes.

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>The state will monitor the hearing process and timelines to ensure maintenance of 100% adjudication.</li> </ul>	2005 and ongoing through 2011	Special Education Programs staff ,Legal Assistant for the department, Office of Hearing Examiners, Mountain Plains Regional Resource Center staff consultation
<ul style="list-style-type: none"> <li>Update Administrative Rules for South Dakota concerning due process hearings and resolution sessions when final federal regulations are complete.</li> </ul>	Fall 2006	Special Education Programs staff, legal consultant, Advisory Panel, Legislative Research Council
<ul style="list-style-type: none"> <li>Provide training for legal assistant for the department concerning the updated regulations.</li> </ul>	Fall 2006	Special Education Programs staff, Legal Counsel for DOE, Mountain Plains Regional Resource Center
<ul style="list-style-type: none"> <li>Joint training for Districts and parents on procedural safeguards</li> </ul>	Spring 2006 and ongoing through 2011	Special Education Programs staff, Legal Counsel for DOE, Mountain Plains Regional Resource Center, Parent Connections

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.**

(20 U.S.C. 1416(a)(3(B)))

**Measurement:**

**Percent = 3.1(a) divided by (3.1) times 100.**

**Overview of Issue/Description of System or Process:**

South Dakota has a system in place to track hearing requests, timelines and outcomes. As a new requirement of IDEA 2004, South Dakota's procedure addressing hearing requests will require the due process procedures to include resolution sessions. The South Dakota State Department will modify the current process for requesting hearings to include resolution sessions. The resolution sessions are required unless the parent and the school agree to waive the session and go to mediation. The procedures will be revised pending final Part B regulations.

Within 15 days of receiving notice of the parents' due process complaint, and prior to the opportunity for a due process hearing, the district must convene a meeting with the parents and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint that:

1. Includes a representative of the district who has decision-making authority on behalf of the district; and
2. May not include an attorney of the district unless the parent is accompanied by an attorney.

The purpose of the meeting is for the parents of the child to discuss their due process complaint, and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the complaint.

The meeting described above need not be held if:

1. The parents and the district agree in writing to waive the meeting; or



2. The parents and the district agree to use the mediation process described in this document.

If the district has not resolved the due process complaint to the satisfaction of the parents within 30 days of the receipt of the due process complaint, the due process hearing must occur and all applicable timelines for a due process hearing shall commence.

Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

If a resolution to the dispute is reached at the meeting described above, the parent and district must execute a legally binding agreement that is:

1. Signed by both the parent and a representative of the agency who has the authority to bind the district; and
2. Enforceable in any State court of competent jurisdiction or in a district court of the United States.

If the parent and district execute an agreement, either may void the agreement within 3 business days of the agreement's execution.

#### **Baseline Data for FFY 2004 (2004-2005):**

Baseline data will be gathered in 2005-2006 and will include the number of hearing requests resolved at resolution session, number of hearing requests not resolved at resolution but resolved at mediation, number of hearing requests not resolved at resolution with mediation waived. The state monitoring system will monitor to determine if the procedure is being followed and within the required timelines.

#### **Discussion of Baseline Data:**

This is a new indicator. South Dakota will report out baseline data for the February 1, 2007 APR.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Targets will be set February 1, 2007.
2006 (2006-2007)	Targets will be set February 1, 2007.
2007 (2007-2008)	Targets will be set February 1, 2007.

2008 (2008-2009)	Targets will be set February 1, 2007.
2009 (2009-2010)	Targets will be set February 1, 2007.
2010 (2010-2011)	Targets will be set February 1, 2007.

**Improvement Activities/Timelines/Resources: new indicator**

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / General Supervision****Indicator 19: Percent of mediations held that resulted in mediation agreements.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**Percent = (2.1(a)(i) + 2.1(b)(i)) divided by (2.1) times 100.**

**Overview of Issue/Description of System or Process:**

South Dakota has a system in place for voluntary mediation, available at all levels of disputes and may be waived by either party.

South Dakota data reflects the general supervision procedures for mediation. Trained staff gives priority to meeting the deadlines. The limited number of mediations indicates the state uses the system effectively to ensure the provision of appropriate services to students in need of special education. The procedures will be revised pending final Part B regulations.

The State shall ensure that procedures are established and implemented to allow parties to disputes involved in the proposal to initiate or change the identification, evaluation or education placement of the child or the provision of a free appropriate public education to the child, including matters that arise prior to the filing of a due process hearing, to resolve the disputes through a mediation process.

The mediation procedures must ensure that participation is voluntary on the part of the parties. Mediation may not be used to deny or delay the parent's right to a due process hearing or to deny any other rights afforded under Part B of the Act. It must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. Mediators are selected on a random basis.

The State Special Education Programs shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. An individual who serves as a mediator may not be an employee of the school district or State agency providing services to the child. They must

not have a personal or professional conflict of interest. The State will bear the cost of the mediation process.

A person who otherwise qualifies as a mediator is not an employee of a district or State agency solely because he or she is paid by the State Special Education Programs to serve as a mediator.

Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute. An agreement reached by the parties to the dispute in the mediation must be set forth in a written mediation agreement.

Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to the mediation process may be required to sign a confidentiality pledge prior to the beginning of the process.

If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that:

1. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding arising from that dispute; and
2. Is signed by both the parent and a representative of the district who has the authority to bind such district.

A written, signed mediation agreement under this section is enforceable in any State court of competent jurisdiction or in a district court of the United States.

If a parent chooses not to use the mediation process, the school district or a State agency providing services to the child may establish procedures to offer the parent and to the district an opportunity to meet, at a time and location convenient to both parties, with a disinterested party, to encourage the use and explain the benefits of the mediation process. This party may be under contract with a parent training and information center, community parent resource center established in the state or with an appropriate alternative dispute resolution entity.

#### Baseline Data for FFY 2004 (2004-2005): data collected on Attachment 1

SECTION B: Mediation requests	
(2) Mediation requests total	2
(2.1) Mediations	
(a) Mediations related to due process	2
(i) Mediation agreements	2
(b) Mediations not related to due process	0
(i) Mediation agreements	0
(2.2) Mediations not held (including pending)	0

**Discussion of Baseline Data:**

South Dakota had two mediation sessions based on due process complaints during the 2004-2005 year. Both were successfully mediated.

With regards to mediation, South Dakota's data reflects an effective mediation system, with all mediations reported resulting in successful agreements. South Dakota also makes informal mediation (not related to a hearing request) available as well. The impact of the mediation system can be seen in the due process hearing data, which reflects that all hearing requests were successfully mediated. Special Education Programs,

South Dakota Parent Connection and South Dakota Advocacy work very hard to make sure parents have information on all areas of educating their child with a disability including knowledge of procedural safeguards. South Dakota Advocacy has estimated that between 2002 through 2004 approximately 1200 people have received some type of training regarding special education. A very active training program for parents of children with disabilities is Partners in Policy Making. Partners in Policymaking is an innovative leadership and advocacy training opportunity designed to involve and empower people with developmental disabilities, parents of children with disabilities and other family members. It requires a serious commitment by each participant during the course of the training, as well as after graduation. The expectation is that each Partner will commit to actively use the skills learned to encourage positive changes in the areas of community awareness, sensitivity, accessibility, and inclusion for people with disabilities. Over 225 individuals have graduated from Partners in Policymaking in South Dakota since the program began in the fall of 1992. An added benefit of the training is that graduates assist others with the knowledge they have gained.

Special Education Programs in partnership with South Dakota Parent Connection have also established the Navigator Program. The purpose of the South Dakota Navigator Program is to provide individualized technical assistance, information, and support services to families and educators caring for children with special education needs. A Navigator Program Coordinator will organize and manage these activities and oversee the "Peer Navigators" located in each of the seven Educational Services Areas (ESAs) as defined by the South Dakota Department of Education. These "Peer Navigators" are recruited from such areas as Partners in Policymaking graduates, experienced educators, and recently retired educational administrators. Goals of the program include:

- Improve family-school collaboration
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- Promote the knowledge of benefits derived from increased family involvement to school personnel

Resulting in productive IEP meetings and promoting respectful interactions between families and school personnel in order to make the best decisions regarding each student's educational program. South Dakota Parent Connection also answers between 200 – 300 calls monthly and has a web-based bulletin board for parents to post questions and get answers.

Special Education Programs feels that because of the efforts of Special Education Programs, South Dakota Parent Connection and South Dakota Advocacy South Dakota parents become better informed each year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	No target necessary when state has less then 10 mediations
2006 (2006-2007)	No target necessary when state has less then 10 mediations
2007 (2007-2008)	No target necessary when state has less then 10 mediations
2008 (2008-2009)	No target necessary when state has less then 10 mediations
2009 (2009-2010)	No target necessary when state has less then 10 mediations
2010 (2010-2011)	No target necessary when state has less then 10 mediations

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>South Dakota tracks mediations to ensure timelines and procedures are followed.</li> </ul>	Ongoing data collection and analysis from 2006-2011	Mediation training for Special Education Programs staff, Legal counsel for the Special Education Programs staff, Office of Hearing Examiners, MPRRC staff
<ul style="list-style-type: none"> <li>Conduct trainings for school personnel and parents to utilize the Navigator Program. This program specializes in connecting a resource</li> </ul>	Fall 2006 and ongoing through 2011	South Dakota Parent Connection, Special Education Programs staff

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State

person with parents/guardians to assist them through the IEP process.		
<ul style="list-style-type: none"><li>• Train district representatives in conflict resolution to assist with the resolution session requirement of IDEA 2004</li></ul>	Summer 2006 and ongoing through 2011	Special Education Programs staff, SD Parent Connection, CADRE
<ul style="list-style-type: none"><li>• Recruit additional mediators</li></ul>	Summer 2006 and ongoing through 2011	Special Education Programs staff, Education Service Agencies, Educational Specialists
<ul style="list-style-type: none"><li>• Conduct training for new and continuing mediators</li></ul>	Summer 2006 and ongoing through 2011	Contract mediation trainers

**Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.**

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**State reported data, including 618 data and annual performance reports, are:**

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and**
- b. Accurate (describe mechanisms for ensuring accuracy).**

**Overview of Issue/Description of System or Process:**

South Dakota has a state wide reporting system, SIMS, which provides data for February 1 child count and exiting reports. South Dakota requires Districts to submit discipline data at the end of each school year. Personnel data is submitted annually through Special Education Personnel Summary. South Dakota submits the Annual Performance Report accurately and meets required time lines. South Dakota was chosen as one of the first states to enter data through EDEN because of past data accuracy and on time submission. South Dakota ensures accuracy by providing training on data entry.

Each school district reports through the Student Information Management System (SIMS) annually. The SIMS is the statewide online system used to collect information about all students in South Dakota schools. Districts submit data through the student data records. Each student has a 9 digit unique student identifier number. The unique student identifier number allows the SIMS system to collect and sort data without duplication errors. Each school district in South Dakota has a SIMS coordinator in place. The SIMS coordinator attends yearly training on the SIMS system.

**Baseline Data for FFY 2004 (2004-2005):**



## Timelines for 618 data and APR

South Dakota has been collecting and submitting timely 618 data reports. The Child Count, APR and FAPE table 1 and table 3 have been submitted on or before February 1 each year. Exit table # 4 Personnel table #2 and Discipline #5 have been submitted on or before November 1<sup>st</sup> each of the previous years. South Dakota's data collection manager position has been vacant since August 2005. The position was filled October 24, 2005. In order to give adequate time for training and familiarization with the data collection process South Dakota requested and received an extension until December 1, 2005 for reporting Exit table # 4 Personnel table #2 and Discipline #5 for the November 1, 2005 collection.

## Accuracy of data

South Dakota was notified by the U.S. Office of Planning, Evaluation and Policy Development that it was one of the first states excused from traditional reporting of IDEA data to U.S. Department of Education (ED) due to the high quality of South Dakota's EDEN submissions for SY 2003-04. South Dakota qualified to supply the data for the Report of Children with Disabilities Receiving Special Education under Part B (Table 1) for SY 2005-06(OMB #1820-0043) and Exiting Special Education During the School Year (OMB number 1820-0521) exclusively through the Education Data Exchange Network (EDEN).

Due to the hiring of a new data manager for the South Dakota Department of Education, Special Education Programs may not be able to submit data through EDEN. South Dakota's submission will depend upon the training of the data manager on the EDEN system however; South Dakota will continue to submit through the normal process.

**Discussion of Baseline Data:**

South Dakota Special Education Programs will continue to submit timely and accurate data collection and submission.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of required data reports will be completed and submitted on time.
2006 (2006-2007)	100% of required data reports will be completed and submitted on time.
2007 (2007-2008)	100% of required data reports will be completed and submitted on time.
2008 (2008-2009)	100% of required data reports will be completed and submitted on time.

2009 (2009-2010)	100% of required data reports will be completed and submitted on time.
2010 (2010-2011)	100% of required data reports will be completed and submitted on time.

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Timelines	Resources
<ul style="list-style-type: none"> <li>Training for new data manager</li> </ul>	Beginning October 24, 2005 / on going through 2007	Westat data collection training video, Part B/C data managers conference, Harcourt training on assessment data, training with Infinite Campus on state wide student management collection system (SIMS)
<ul style="list-style-type: none"> <li>Training on data entry for district SIMS coordinators</li> </ul>	2006 and ongoing through 2011	Office of Finance and Management staff, Infinite Campus
<ul style="list-style-type: none"> <li>Special Education Program will obtain previous, current and future data from data manager; to be stored on a common shared drive. (SPED Profiles)</li> </ul>	Spring 2006 and ongoing through 2011	Special Education Program staff, Office of Finance and Management staff
<ul style="list-style-type: none"> <li>Create a timeline for all parties involved who collect data; to ensure timely and accurate data collection</li> </ul>	Summer 2006 and updated annually through 2011	Special Education Program staff, district representatives, Office of Finance and Management staff

